

**MEETING NO. 30
December 22, 2004**

ERIE COUNTY LEGISLATURE

**ERIE COUNTY LEGISLATURE
MEETING NO. 30
December 22, 2004**

The Legislature was called to order by CHAIRMAN HOLT.

All Members Present except LEGISLATOR SWANICK.

A moment of silence was held.

The Pledge of Allegiance was led by MR. DEBENEDETTI.

CHAIRMAN HOLT directed that Comm. 30E-64 be taken out of order.

GRANTED.

FROM LEGISLATOR SCHROEDER

Item 1 – (Comm. 30E-64) Letter to Clerk of Legislature Re: Resignation as EC Legislator of the 2nd District as of 11:59 P.M. 12/21/04.

RECEIVED, FILED & PRINTED.

December 20, 2004

Mr. Kevin M. Kelley Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

As a result of my election to the public office of Member of Assembly, please be advised that I hereby resign my position as Erie County Legislator – 2nd District, effective at 11:59 pm, Tuesday, December 21, 2004.

It has been my pleasure to serve the residents of the 2nd Legislative District and Erie County as a County Legislator.

Thank you for your courtesies.

Mark J. F Schroeder
Legislator – 2nd District

CHAIRMAN HOLT directed that Comm. 30E-65 be taken out of order.

GRANTED.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

FROM LEGISLATORS DEBENEDETTI, DUSZA, HOLT, KUWIK,
MARINELLI, SMITH & WROBLEWSKI

Item 2 – (Comm. 30E-65) Appointment of Timothy M. Kennedy to Fill Vacancy in the 2nd Legislative District.

RECEIVED, FILED & PRINTED.

December 13, 2004

Kevin M. Kelley Clerk
 Erie County Legislature
 92 Franklin Street, 4th Floor
 Buffalo, New York 14202

RE: Appointment of Timothy M. Kennedy to Fill Vacancy in the 2nd Legislative District

Dear Mr. Kelley:

Pursuant to Section 1904-B of the Erie County Charter, we, the undersigned representing a majority of the members of the County Legislature representing the Democratic Party, do hereby appoint Timothy M. Kennedy of 74 Tuscarora Road, Buffalo, NY 14220, a duly qualified elector of the Second Legislative District, having the same political affiliation as the person last elected to such office, to fill the vacancy in the office of 2nd District, Erie County Legislature. Said appointment shall take effect at the start of Meeting No. 30.

Sincerely,

GEORGE A. HOLT, JR
 Legislator, 3rd District

LYNN M. MARINELLI
 Legislator, 11th District

EDWARD J. KUWIK
 Legislator, 1st District

RAYMOND K. DUSZA
 Legislator, 8th District

ALBERT DEBENEDETTI
 Legislator, 6th District

DEMONE SMITH
 Legislator, 7th District

TIMOTHY WROBLEWSKI
 Legislator, 9th District

Item 3 – No tabled items.

Item 4 – No items for reconsideration from the previous meeting.

Item 5 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 23, 24, 25, 26 & 27 of 2004. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 6 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 7 – MR. WEINSTEIN presented a resolution Congratulating University of Buffalo Upon Launching of New Technology Entrepreneurship Program & Honoring John Hannon As Director. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 8 – LEGISLATORS SWANICK, MARINELLI & CUSACK presented a resolution Honoring Tonawanda Buffalos Cheerleaders on Winning a National Competition. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. McCARVILLE presented a resolution Honoring the Life of Community Preservation Activist Stephanie Jewett McCormick. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. RANZENHOFER, MINORITY CAUCUS presented a resolution Honoring Joseph Cartonina for 38 Years of Public Service. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 11 – MAJORITY CAUCUS presented a resolution Congratulating Theresa Kennedy as she joins the staff of Congressman Brian Higgins & Honoring her for 7 ½ years of service as a Erie County Legislature Administrative Staff Member. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 12 – MAJORITY CAUCUS presented a resolution Honoring Legislator Mark J.F. Schroeder Upon the Conclusion of His Service as an Erie County Legislator. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 13 – MAJORITY CAUCUS presented a resolution Honoring Laurence F. Adamczyk Upon the Conclusion of His Service as the Democratic Commissioner of the Erie County Board of Elections. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 14 – MINORITY CAUCUS presented a resolution Recognizing Andrew Isenberg's Dedicated Service with the County Attorney's Office and Congratulating him on his new position with The New York State Office of Court Administration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above eight resolutions as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 15 –CHAIRMAN HOLT directed that Local Law No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 16 – CHAIRMAN HOLT directed that Local Law No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law No. 10 (Print #1) 2004 remain on the table and in the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 18 – CHAIRMAN HOLT directed that Local Law No. 12 (Print #1) 2004 remain on the table.

GRANTED.

Item 19 – CHAIRMAN HOLT directed that Local Law No. 14 (Print #1) 2004 remain on the table.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law No. 15 (Print #1) 2004 remain on the table.

Item 21 – CHAIRMAN HOLT directed that Local Law No. 16 (Print #1) 2004 remain on the table.

GRANTED.

Item 22 – CHAIRMAN HOLT directed that Local Law No. 17 (Print #1) 2004 remain on the table.

Item 23 – CHAIRMAN HOLT directed that Local Law No. 18 (Print #1) 2004 remain on the table.

GRANTED.

Item 24 – MS. MARINELLI presented the following Local Law and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

**COUNTY OF ERIE
LOCAL LAW NO. _____ – 2004
LOCAL LAW INTRO. NO. 19–2004**

A LOCAL LAW in relation to a mandatory notification requirement for commercial and residential lawn pesticide applications.

BE IT ENACTED BY THE LEGISLATURE OF ERIE COUNTY AS FOLLOWS:

Section 1. Title.

This law shall be known as the Erie County Mandatory Pesticide Notification Act.

Section 2. Legislative Intent.

The Erie County Legislature hereby finds, declares and determines that individuals and their personal property can come into unintended contact with pesticides applied on abutting property from commercial and residential lawn applications. This Legislature further finds that pesticides may pose health and safety risks to the citizens of this County.

In December 2003, through passage of Erie County Local Law No. 8 of 2003, Erie County opted into the New York State pesticide notification program for a period of one year. The Erie County Local Law provided for a one-year sunset provision, with a required review by the Erie County Environmental Management Council at the end of the year to determine the effectiveness of the law.

On October 5, 2004, the Erie County Environmental Management Council submitted its one-year review to the Erie County Legislature and Erie County Executive. The Council recommended that the Pesticide Notification Law be renewed.

Therefore, the Erie County Legislature does hereby conclude that Erie County should adopt the notice requirements for the commercial and residential lawn application of pesticides as set forth in Section 33-1004 of the New York Environmental Conservation Law. It is intended that this Local Law be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and the regulations promulgated thereunder.

Section 3. Definitions.

All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law:

- a. "Abutting property" shall mean any property which has any boundary or boundary point in common with the property on which the pesticide is to be applied.
- b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the education law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation as those terms are defined in the transportation corporations law, which applies pesticides.
- c. "Commercial lawn application" means the application of pesticide to ground, trees, or shrubs on public or private outdoor property. For the purposes of this local law the following shall not be considered commercial lawn application:
- (1) the application of pesticide for the purpose of producing an agricultural commodity;
 - (2) residential application of pesticides;
 - (3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
 - (4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one-hundred feet of a dwelling, multiple dwelling, public building, or public park; and
 - (5) the application of pesticides on golf courses or turf farms.
- d. "Commissioner" means the Commissioner of the New York State Department of Environmental Conservation.
- e. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.
- f. "General use pesticide" means a pesticide which does not meet the state criteria for a restricted pesticide as established under authority of section 33-303 of the New York Environmental Conservation Law.
- g. "Multiple dwelling" means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.
- h. "Pesticide" means:
- (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; and
 - (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- i. "Premises" means land and improvements or appurtenances or any part thereof.
- j. "Residential lawn application" means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purposes of this local law, the following shall not be considered residential lawn application:
- (1) the application of pesticides for the purpose of producing an agricultural commodity;

- (2) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;
- (3) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
- (4) the application of pesticides on golf courses or turf farms.

Section 4. Notification Requirements For Commercial And Residential Lawn Applications.

The provisions in this section are adopted in their entirety and without exception, pursuant to section 33-1004 of the New York Environmental Conservation Law.

a. Retail Consumer Information Sign.

- (1) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subdivision one of section 33-1005 of the Environmental Conservation Law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. Prior Notification of Commercial Lawn Applications.

- (1) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of the New York Environmental Conservation Law, to:
 - a. occupants of all dwellings on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to
 - b. owners, owner's agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within one hundred fifty feet of the site of such application. Owners or owner's agents of multiple family dwellings shall supply such written notice to the occupants of such multiple family dwellings and for all other types of premises, owners, owner's agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

(2) Such prior notification provisions shall not apply to the following:

- a. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);
- b. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;
- c. the use of non-volatile insect or rodent bait in a tamper resistant container;
- d. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;
- e. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

- f. the use of boric acid and disodium octaborate tetrahydrate;
- g. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;
- h. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;
- i. the application of a pesticide by direct injection into a plant or the ground;
- j. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;
- k. the application of a pesticide to the ground or turf of any cemetery; and
- l. an emergency application of a pesticide when necessary to protect against any imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such Commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United States Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. Posting of Residential Lawn Applications.

- (1) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.
- (2) The markers required pursuant to this paragraph shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

Section 5. Enforcement.

- a. Pursuant to section 33-1004 of the New York Environmental Conservation Law, the Erie County Department of Health shall enforce the provisions of this local law administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in Section 6 of this law and shall be payable to and deposited with Erie County.

Section 6. Penalties.

a. Administrative Sanctions

- (1) A person providing a commercial lawn application who violates any provision of this local law shall be liable for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense after a hearing or opportunity to be heard.

(2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, who violates any rule or regulation pursuant to subdivision b (1)(b) of section 4 of this local law (Prior Notification of Commercial Lawn Applications), and a person who violates any provision of subdivision c of section 4 (Posting of Residential Lawn Applications), shall for a first such violation, in lieu of a penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to subdivision two of section 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be liable for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any subsequent violation after a hearing or opportunity to be heard.

(3) Any person who violates the provisions of subdivision a of section 4 of this local law (Retail Consumer Information Sign) shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation after a hearing or opportunity to be heard.

b. Criminal Sanctions for Persons Providing Commercial Lawn Applications.

(1) Any person providing a commercial lawn application and having the culpable mental states defined in subdivision one or two of section 15.05 or in section 20.20 of the New York Penal Law, who violates any provision of this local law, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed ten thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

(2) Any person providing a commercial lawn application who violates any provision of this local law relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five hundred dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be a fine not to exceed five thousand dollars.

Section 7. Severability.

a. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Notice Requirements to State Officials.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

a. Within twenty days after adoption of this law, the Clerk of the Erie County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Attorney General.

Section 9. Repeals.

Erie County Local Law No. 8 of 2003 is hereby repealed.

Section 10. Effective Date.

a. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law provided, however that the provisions of this local law shall expire and be deemed repealed on and after January first, the year two thousand and seven.

DEMONE A. SMITH

MS. MARINELLI moved the approval of the Local Law. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CUSACK, McCARVILLE, RANZENHOFER, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. NOES: CHASE, MARSHALL & WEINSTEIN (AYES 11 NOES 3). LEGISLATOR SWANICK absent.

CARRIED.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 25 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 524

Re: Transfer of Public Benefit Funds.
(Intro. 30-1)

A RESOLUTION SUBMITTED BY LEGISLATOR DUSZA, KUWIK, SMITH
WROBLEWSKI, RANZENHOFER, CHASE, CUSACK, MARSHALL, McCARVILLE,
SWANICK & WEINSTEIN

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$275,395 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
Literacy Volunteers of Buffalo and Erie County, Inc.	\$1,000	WROBLEWSKI
Town of Cheektowaga (Council Office)	\$3,000	DUSZA
Amherst Septquicentennial Committee, Inc.	\$1,000	WEINSTEIN
West Seneca Chamber of Commerce, Inc.	\$1,000	WROBLEWSKI
West Playground Pals, Inc.	\$5,000	WROBLEWSKI
Queen of Heaven	\$4,000	WROBLEWSKI
Town of Colden	\$6,000	MCCARVILLE
Hamburg Central School District	\$2,000	CHASE
Mel Ott Little League, Inc.	\$3,300	WEINSTEIN
Jamison Road Volunteer Fire Company, Inc.	\$5,500	MARSHALL
Graycliff Conservancy, Inc.	\$1,000	WROBLEWSKI
Town of Amherst	\$5,751	WEINSTEIN
Corpus Christie Church	\$2,000	DUSZA
Eden Athletic Association, Inc.	\$2,000	CHASE
Broadway Market Management Corporation	\$4,000	MCCARVILLE
Evans- Brant Central School District	\$1,500	CHASE
Town of Collins	\$1,000	MCCARVILLE
Gowanda Volunteer Fire Company, Inc.	\$5,000	MCCARVILLE
Town of Amherst	\$3,000	WEINSTEIN
Town of Amherst (Senior Center)	\$2,500	WEINSTEIN
Everywoman Opportunity Center, Inc.	\$1,000	WEINSTEIN
Eden Athletic Hockey, Inc.	\$1,000	CHASE
Amherst Public Library	\$1,000	WEINSTEIN
Buffalo Economic Renaissance Corporation	\$8,000	SMITH
Group Ministries, Inc.	\$2,000	KUWIK and SMITH
Coalition for Economic Justice, Inc.	\$1,000	SMITH
Vietnam Veterans of American, Inc. –Chapter 77	\$5,000	SWANICK
Clarence Youth Center, Inc.	\$3,000	RANZENHOFER

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

TOTAL	\$275,395	

RESOLVED, that the amount of \$2,000 for Group Ministries, Inc. (shown above) be added to funds reservation 100000179 line 20,

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. DUZA seconded.

CARRIED UNANIMOUSLY.

€ **DELETE** the resolution in its entirety and **REPLACE** with the following:

WHEREAS, the Legislature set aside funds in the 2004 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

WHEREAS, on July 8, 2004 the Erie County Legislature approved Intro. 16-2 2004, as amended, transferring \$2,000 to Lake View Athletics, Inc., and

WHEREAS, on December 2, 2004 The Erie County Legislature approved Intro. 26-1 2004 as amended, transferring \$2,000 to Lake View Athletics, Inc., and

WHEREAS, on July 15, 2004 The Erie County Legislature approved Intro. 17-4 2004, as amended, transferring \$10,000 to the Village of Springville, and

WHEREAS, on December 2, 2004 The Erie County Legislature approved Intro. 26-1 2004 as amended, transferring \$10,000 to the Village of Springville, and

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$397, 895 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
Literacy Volunteers of Buffalo and Erie County, Inc.	\$1,000	WROBLEWSKI
Town of Cheektowaga (Council Office)	\$3,000	DUSZA
Amherst Septuicentennial Committee, Inc.	\$1,000	WEINSTEIN
West Seneca Chamber of Commerce, Inc.	\$1,000	WROBLEWSKI
West Playground Pals, Inc.	\$5,000	WROBLEWSKI
Queen of Heaven	\$4,000	WROBLEWSKI
Town of Colden	\$6,000	MCCARVILLE
Hamburg Central School District	\$2,000	CHASE
Mel Ott Little League, Inc.	\$3,300	WEINSTEIN
Jamison Road Volunteer Fire Company, Inc.	\$5,500	MARSHALL
Graycliff Conservancy, Inc.	\$1,000	WROBLEWSKI
Town of Amherst	\$5,751	WEINSTEIN
Corpus Christie Church	\$2,000	DUSZA
Eden Athletic Association, Inc.	\$2,000	CHASE
Broadway Market Management Corporation	\$4,000	MCCARVILLE
Evans- Brant Central School District	\$1,500	CHASE
Town of Collins	\$1,000	MCCARVILLE
Gowanda Volunteer Fire Company, Inc.	\$5,000	MCCARVILLE
Town of Amherst	\$3,000	WEINSTEIN
Town of Amherst (Senior Center)	\$2,500	WEINSTEIN
Everywoman Opportunity Center, Inc.	\$1,000	WEINSTEIN
Eden Athletic Hockey, Inc.	\$1,000	CHASE
Amherst Public Library	\$1,000	WEINSTEIN
Collins Volunteer Fire Company No. 1	\$4,000	MCCARVILLE
Sisterhood Wellness Center, Inc.	\$2,500	CHASE
Town of West Seneca (Senior Center)	\$4,500	WROBLEWSKI
Maple East Elementary PTA	\$3,000	WEINSTEIN
Hamburg Natural History Society, Inc.	\$1,000	CHASE
Town of Amherst (Police Department)	\$3,000	WEINSTEIN
Town of Collins Public Library	\$3,500	MCCARVILLE
Lothlorian Therapeutic Riding Center, Inc.	\$1,000	MCCARVILLE
Angola Public Library	\$1,000	CHASE
Institute for Local Governance and Regional Growth	\$5,000	WEINSTEIN
Mathewson McCarthy Baseball, Inc.	\$4,000	WEINSTEIN
Ten Lives Club, Inc.	\$1,000	CHASE
Central Amherst Little League, Inc.	\$10,000	CUSACK

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Town of Amherst (Rodent Control)	\$1,000	WEINSTEIN
St. Johns United Church of Christ (dba Eden Kindercare)	\$2,000	CHASE
Messinger Woods Wildlife Care and Education Center, Inc.	\$1,000	MCCARVILLE
Amherst Youth Foundation, Inc.	\$10,000	WEINSTEIN
Town of Amherst (Youth Board)	\$2,300	WEINSTEIN
Landmark Society of the Niagara Frontier	\$3,000	MCCARVILLE
Eden Historical Society	\$3,000	CHASE
Jewish Community Center of Greater Buffalo, Inc.	\$3,000	WEINSTEIN
Tonawanda Senior Citizen Housing Corporation	\$3,000	SWANICK
The Buffalo Workforce Development Center, Inc.	\$1,000	CHASE
Village of Angola	\$1,470	CHASE
Explore & More... A Children's Museum	\$1,000	MCCARVILLE
Hillcrest Volunteer Fire Company, Inc.	\$3,000	MCCARVILLE
Hawk Creek Wildlife Center, Inc.	\$3,000	MCCARVILLE
Amherst Central School District	\$9,800	CUSACK
Amherst Youth Foundation, Inc.	\$5,000	CUSACK
Amherst Central Alumni Foundation, inc.	\$5,000	CUSACK
Amherst Youth Foundation, Inc.	\$3,000	RANZENHOFER
W.N.Y. Town of Clarence Baseball Association, Inc.	\$3,000	RANZENHOFER
Clarence Central School District	\$11,991	RANZENHOFER
Clarence Center Volunteer Fire Company, Inc.	\$3,000	RANZENHOFER
EMW Soccer Field Development Club, Inc.	\$15,000	MARSHALL
Harris Hill Volunteer Fire Company, Inc.	\$3,000	RANZENHOFER
Lancaster Public Library	\$5,000	MARSHALL
Millgrove Volunteer Fire Department, Inc.	\$6,500	MARSHALL
North Bailey Fire Company, Inc.	\$5,000	CUSACK
Library Foundation of Buffalo and Erie County, Inc.	\$3,000	CUSACK and MCCARVILLE
St. Christopher Roman Catholic Church	\$2,483	CUSACK
Snyder Fire Department	\$5,000	CUSACK
Town of Clarence	\$10,000	RANZENHOFER
Town of Clarence	\$3,000	RANZENHOFER
Town of Sardinia	\$10,000	MARSHALL
Wales Center Volunteer Fire Company, Inc.	\$2,800	MARSHALL
Town of West Seneca (Town Clerk)	\$1,000	WROBLEWSKI
Group Ministries, Inc.	\$2,000	KUWIK and SMITH
Coalition for Economic Justice, Inc.	\$1,000	SMITH
Vietnam Veterans of American, Inc. –Chapter 77	\$5,000	SWANICK
Clarence Youth Center, Inc.	\$3,000	RANZENHOFER
Bellevue Volunteer Fire Company	\$2,500	DUSZA
Back to Basics Outreach Ministries, Inc.	\$2,000	SMITH
Cazenovia Park Hockey Association	\$4,000	SCHROEDER
Forever Elmwood Corporation	\$2,500	SMITH

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Ss. Rita's Roman Catholic Church Society of Buffalo	\$1,000	SCHROEDER
South Buffalo Football Association, Inc.	\$3,500	SCHROEDER
The Union Fire Co. of Gardenville (West Seneca Fire District No. 2)	\$1,500	WROBLEWSKI
West Seneca Fire District No. 6 (Vigilant)	\$6,000	WROBLEWSKI
Reserve Hose Fire Company (West Seneca Fire District No. 3)	\$1,500	WROBLEWSKI
West Seneca Little Loop Football, Inc.	\$2,000	WROBLEWSKI
West Seneca Competitive Swim Club Boosters, Inc.	\$500	WROBLEWSKI
West Seneca West Band Boosters, Inc.	\$1,000	WROBLEWSKI
The Woodlawn Water Supply District Fire Company (Woodlawn Volunteer Fire Company)	\$2,000	KUWIK
City of Lackawanna (Senior Center)	\$20,000	KUWIK
Town of West Seneca Youth Bureau/ Americorps	\$13,500	WROBLEWSKI
Firemen's Memorial Exhibit Center	\$500	WROBLEWSKI
Way-Off Broadway Players, Inc.	\$1,500	KUWIK
American Cancer Society	\$1,000	WROBLEWSKI
Operation HOPE Helping Our People Excel, Inc.	\$1,000	SMITH
Seneca Hose Company No. 1	\$1,500	WROBLEWSKI
Everywoman Opportunity Center, Inc.	\$500	MARINELLI
West Seneca Youth Hockey Association	\$2,500	WROBLEWSKI
West Seneca Fire District No. 4	\$1,500	WROBLEWSKI
Town of Amherst (Senior Center)	\$3,000	RANZENHOFER
Clarence Senior Citizens, Inc.	\$3,000	RANZENHOFER
Harlem Kensington Cleveland Community Association	\$2,500	CUSACK
Clarence Newstead Meals on Wheels Task Force, Inc.	\$2,500	RANZENHOFER
Lou Gehrig Youth Baseball/ Softball, Inc.	\$3,000	RANZENHOFER
Western New York Railway Historical Society, Inc.	\$1,000	WEINSTEIN
Village of Williamsville	\$10,000	WEINSTEIN
Amherst Youth Hockey , Inc.	\$3,000	RANZENHOFER
Swormville Fire Company, Inc	\$3,000	RANZENHOFER
Institute for Local Governance and Regional Growth	\$1,517	CUSACK
WNY AFL-CIO Economic Development Group, Inc.	\$3,000	CHASE & WEINSTEIN
Steepleview Housing Development Fund, Inc.	\$1,000	CHASE
Orchard Park Youth Basketball Association	\$2,200	MCCARVILLE
North Boston Volunteer Fire Company, inc	\$2,000	CHASE
North Collins Historical Society	\$3,000	CHASE
South Towns Aquatic Racers of Hamburg, Inc.	\$3,000	MCCARVILLE
Group Ministries, Inc.	\$1,000	WEINSTEIN
Town of Hamburg (Drug Court)	\$1,000	KUWIK
Hutchinson Hose Company of Williamsville, New York	\$2,500	WEINSTEIN
North Collins Emergency Squad, Inc.	\$1,000	CHASE
The Child Care Coalition	\$ 500	SMITH
TOTAL	\$401,612	

And be it further

RESOLVED, that the amount of \$2,000 for Lake View Athletics, Inc. from Intro. 26-1 2004 will not be transferred a second time, and will not be added to any new funds reservations since a funds reservation already exists (100000175-163)

RESOLVED, that the amount of \$10,000 for the Village of Springville from Intro. 26-1 2004 will not be transferred a second time, and will not be added to any new funds reservations since a funds reservation already exists (100000179-35)

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2004 budgeted funds

MS. MARINELLI moved the approval of the resolution as amended. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

Item 26 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 525

Re: Transfer of Public Benefit
Funding. (Intro. 30-2)

A RESOLUTION SUBMITTED BY LEGISLATORS
KUWIK & McCARVILLE

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$8,685 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
Southtowns Walleye Association of W.N.Y, Inc.	\$3,000	KUWIK
South Towns Aquatic Racers, Inc.	\$2,500	KUWIK
SYI Boys and Girls Club of Springville, Inc.	\$3,185	MCCARVILLE
TOTAL	\$8,685	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

☞ **DELETE** the resolution in its entirety and **REPLACE** with the following

WHEREAS, the Legislature set aside funds in the 2003 Erie County Budget for use by worthy community organizations and governmental agencies, and

WHEREAS, the organizations cited in this resolution have successfully met the standards and qualifications to receive public benefit funds from the County of Erie and have completed the application process with a contract approved by the County Attorney, and

WHEREAS, the Legislature must now pass a resolution to effect the transfer of funds,

NOW, THEREFORE, BE IT,

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$11,685 from Fund Center 100, Account 516000 to the 2004 Legislature- Contractual Fund Cost Center 1341010 to set up funds reservations for the following groups:

<u>NAME</u>	<u>AMOUNT</u>	<u>SPONSORS</u>
Southtowns Walleye Association of W.N.Y, Inc.	\$3,000	KUWIK
South Towns Aquatic Racers, Inc.	\$2,500	KUWIK
SYI Boys and Girls Club of Springville, Inc.	\$3,185	MCCARVILLE
Boston Fire Company	\$1,000	CHASE
The Woodlawn Water Supply District Fire Company (Woodlawn Volunteer Fire Company)	\$2,000	KUWIK
TOTAL	\$11,685	

And be it further

RESOLVED, that the Clerk of the Legislature and the Director of the Division of Budget, Management & Finance are hereby authorized to complete any paperwork necessary to effectuate this transfer of funds, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's- Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: Appropriation of 2003 budgeted funds

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 27 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 526

Re: Consideration for Public Benefit
Funding. (Intro. 30-3)

A RESOLUTION SUBMITTED BY LEGISLATOR KUWIK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budgets for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

☒ **DELETE** the resolution in its entirety and **REPLACE** with the following:

WHEREAS, the Legislature set aside Public Benefit Funds in the 2003 and 2004 Erie County Budgets for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on November 20, 2003 the Erie County Legislature approved Intro. 22-1 2003 designating the Lincoln Senior Center (\$500) to receive an application for Public Benefit Funding,

WHEREAS, on November 20, 2003 the Erie County Legislature approved Intro. 22-1 2003 designating the B.E.S.T Community Center (\$250) to receive an application for Public Benefit Funding,

WHEREAS, on March 6, 2003 the Erie County Legislature approved Intro. 5-3 2003 designating Miracles Summer Basketball (\$2,000) to receive an application for Public Benefit Funding,

WHEREAS, on March 6, 2003 the Erie County Legislature approved Intro. 5-3 2003 designating the Friendship House of Lackawanna (\$4,000) to receive an application for Public Benefit Funding,

WHEREAS, on March 6, 2003 the Erie County Legislature approved Intro. 5-3 2003 designating the Lakeshore Volunteer Fire Company (\$2,000) to receive an application for Public Benefit Funding,

WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-20 2004 designating Buffalo Economic Renaissance Corporation (\$8,000) to receive an application for Public Benefit Funding,

NOW, THEREFORE, BE IT

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that the designation of \$500 for the Lincoln Senior Center per Intro. 22-1 2003 be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the designation of \$250 for the B.E.S.T Community Center per Intro. 22-1 2003 be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the designation of \$2,000 for the Miracles Summer Basketball per Intro. 5-3 2003 be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the designation of \$4,000 for the Friendship House of Lackawanna per Intro. 5-3 2003 be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the designation of \$2,000 for the Lakeshore Volunteer Fire Company per Intro. 5-3 2003 be reallocated and added to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the designation of \$8,000 for the Buffalo Economic Renaissance Corporation per Intro 4-20 be reallocated to a new allocation and designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize its Public Benefit Administrator to send applications for Public Benefit Funding to the following organizations:

<u>NAME</u>	<u>RECOMMENDED AMOUNT</u>	<u>SPONSOR</u>
Masten Neighborhood Human Services Corporation JUSED0	\$ 8,000	SMITH
TOTAL	\$ 8,000	

And be it further

RESOLVED, that the Erie County Legislature does hereby approve the Transfer of \$2,925 from Cost Center 1401010, General Ledger Account 502100 to the Lackawanna Public Library Funds Center 4204055, Commitment Item 516010, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the Transfer of \$2,925 from Cost Center 1401010, General Ledger Account 502100 to the Blasdell Public Library Funds Center 4205310, Commitment Item 516010, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the Transfer of \$2,925 from Cost Center 1401010, General Ledger Account 502100 to the Lakeshore Public Library Funds Center 4205330, Commitment Item 516010, and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrator's Crystal L. Quick and Laurie A. Manzella; and Assistant County Attorneys Susannah Bochenek and Melissa Heimerl.

Fiscal Impact: None

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 28 – MS. MARINELLI presented the following resolution and moved for the item to be received and filed. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Intro. 30-4 From LEGISLATOR MARSHALL Re: Consideration for Public Benefit Funding.

Item 29 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 527

Re: Consideration for Public Benefit
Funding. (Intro. 30-5)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARSHALL, McCARVILLE & CHASE

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
St. Mary's School - Lancaster	\$3,000	MARSHALL
St. John's School - Alden	\$3,000	MARSHALL
St. Vincent School - Elma	\$3,000	MARSHALL
Annunciation School - Elma	\$3,000	MARSHALL
Village of Angola	\$867	CHASE
West Falls Volunteer Fire Company	\$2,000	McCARVILLE
East Aurora Volunteer Fire Department	\$2,000	McCARVILLE
East Concord Volunteer Fire Department	\$2,000	McCARVILLE
North Collins Volunteer Fire Company	\$1,000	McCARVILLE
South Wales Volunteer Fire Company	\$2,000	McCARVILLE
Windom Volunteer Fire Company	\$2,000	McCARVILLE
TOTAL	\$23,867	

And be it further

RESOLVED, that the Erie County Legislature does hereby authorize the transfer of \$1,800 from Fund Center 100, General Ledger Account 516000 to the Erie County Department of Parks, Recreation and Forestry, Fund 110, Business Cost Center 1641025, General Ledger Account 506200, for the purchase of trees for Como Lake Park, and be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Erie County Parks, Recreation & Forestry Commissioner Lawrence D. Jasinski; Public Administrators of the Erie County Legislature; Laurie A. Manzella & Crystal Quick, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: To Be Determined

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

€ **DELETE** The 1st RESOLVED Clause in its Entirety and **REPLACE** with the following:

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
St. Mary's School - Lancaster	\$3,000	MARSHALL
St. John's School - Alden	\$3,000	MARSHALL
St. Vincent School - Elma	\$3,000	MARSHALL
Annunciation School - Elma	\$3,000	MARSHALL
H.E.A.R.T., Inc.	\$867	CHASE
West Falls Volunteer Fire Company	\$2,000	McCARVILLE
East Aurora Volunteer Fire Department	\$2,000	McCARVILLE
East Concord Volunteer Fire Department	\$2,000	McCARVILLE
North Collins Volunteer Fire Company	\$1,000	McCARVILLE
South Wales Volunteer Fire Company	\$2,000	McCARVILLE
Windom Volunteer Fire Company	\$2,000	McCARVILLE
TOTAL	\$23,867	

And be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 30 – CHAIRMAN HOLT directed that the following item be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 30-6 From THE MINORITY CAUCUS Re: Proposed NYS Thruway Toll Increase.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 31 – MS. MARINELLI moved to discharge the PUBLIC SAFETY COMMITTEE from further consideration of Comm. 25E-15 (2004). MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 528

Re: Request for Authorization to Accept

\$1,884,685 in Urban Areas Security Initiative FFY 03 Grant Funds & Revise Grant Budget.

WHEREAS, Erie County has been selected to receive grant monies from the United States Department of Homeland Security and the Office of Domestic Preparedness through the Urban Areas Security Initiative (UASI) Program; and

WHEREAS, Pursuant to Comm. 10E-13, approved 5/27/04, a UASI FFY 03 Grant Budget in the amount of \$4,486,661 was established; and

WHEREAS, These funds are being utilized to provide the equipment, training, planning, exercise and operational needs of large urban areas to build an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, Implementation of Erie County's homeland security strategy objectives has resulted in the need to re-appropriate certain budgeted items, while incorporating the additional funds awarded; and

WHEREAS, In order to more effectively administrate the Urban Area Security Initiative (UASI) Grants, it has been deemed necessary to modify existing positions to assist with a significant increase in grant administrative oversight, new duties and responsibilities associated with the UASI Grants; and

WHEREAS, Erie County has finalized priorities and is prepared to accept the balance of the UASI FFY 03 grant funding in the amount of \$2,052,870,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into contract with the State of New York to accept the remaining balance of \$2,052,870 in Urban Area Security Initiative FFY03 funds from the federal government's Office of Domestic Preparedness; and be it further

RESOLVED, that the existing position of Homeland Security Grants Administrator - CE and Homeland Security Compliance Analyst Part time, is hereby transferred to the Department of Emergency Services effective 1/1/05, in order to improve coordination and administration of the UASI grants program; and be it further

RESOLVED, That effective 1/1/05 an RPT position of Homeland Security Assistant – ES, JG 11, be created in the Office of Emergency Services in order to assist the Homeland Security Grants Administrator and the Emergency Services Commissioner and his Deputies with the monitoring and administration of the UASI Grants; and be it further

RESOLVED, That the Director of Budget, Management and Finance is hereby authorized to adjust interdepartmental billing between the UASI grant and the Department of Emergency Services in order to fund the above positions at a 100% reimbursement level; and be it further

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, Erie County Legislature hereby authorizes the County Executive to accept the balance of the UASI FFY03 grant funds (\$1,884,685) from the NYS Division of Criminal Justice Services and approves the following UASI 03 budget adjustments as follows:

URBAN AREA SECURITY INITIATIVE FFY 03 GRANT
 7/1/03 – 6/30/05

Grant - Commitment Item	Original Budget	Adjustment	Revised Budget
County Executive - HS101UASIF030305			
409000 State Aid Revenues	215,635	(165,124)	50,511
516020 Pro Ser Cnt And Fees	100,000	(100,000)	-
530000 Other Expenses	62,471	(62,471)	-
910150 ID County Executive Salaries	48,240	(1,416)	46,824
910160 ID Co. Exec Fringe	4,925	(1,238)	3,687
Total Expense	215,635	(165,124)	50,511
Sheriff's Division - HS115UASIF030305			
409000 State Aid Revenues	250,000	-	250,000
516020 Pro Ser Cnt And Fees	8,160	(8,160)	-
561410 Lab & Technical Equipment	241,840	8,160	250,000
561440 Motor Vehicles	-	-	-
Total Expense	250,000	-	250,000
Public Works – Buildings & Grounds			
HS122UASIF030305			
409000 State Aid Revenues	1,528,663	-	1,528,663
516020 Pro Ser Cnt And Fees	100,000	-	100,000
561410 Lab & Technical Equipment	1,428,663	-	1,428,663
Total Expense	1,528,663	-	1,528,663
Health Department -HS127UASIF030305			
409000 State Aid Revenues	460,000	1,500	461,500
510100 Out of Area Travel	-	1,500	1,500
561410 Lab & Technical Equipment	60,000	-	60,000
561440 Motor Vehicles	400,000	-	400,000
Total Expense	460,000	1,500	461,500
Central Police Srv. - HS165UASIF030305			
409000 State Aid Revenues	1,812,363	2,183,520	3,995,883
505000 Office Supplies	-	3,322	3,322

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

510100 Out of Area Travel	-	13,000	13,000
516010 Red Cross – Community Disaster Education Initiative	-	161,999	161,999
516020 Pro Ser Cnt And Fees	775,000	354,536	1,129,536
516020 Pro Ser Cnt And Fees (Continuity of Service)		100,000	100,000
561410 Lab & Technical Equipment	975,000	1,576,335	2,551,335
916500 ID CPS Services	62,363	(25,672)	36,691
Total Expense	1,812,363	2,183,520	3,995,883
Emergency Services -HS167UASIF030305			
409000 State Aid Revenues	220,000	32,974	252,974
561410 Lab & Technical Equipment	100,000	-	100,000
561440 Motor Vehicles	120,000	-	120,000
916700 ID Emergency Services	-	32,974	32,974
Total Expense	220,000	32,974	252,974
Total All Revenue	4,486,661	2,052,870	6,539,531
Total All Expense	4,486,661	2,052,870	6,539,531

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized to establish and adjust budgets as required to comply with Federal and State approved funding levels, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to prepare and provide certified copies of this resolution to Erie County Executive Joel A. Giambra; Deputy County Executive Carl J. Calabrese; Erie County Homeland Security Grants Administrator Mara Lansing; the Commissioners of Central Police Services, Emergency Services, Health, Public Works and the Erie County Sheriff; Budget, Management and Finance Director Joseph Passafiume; Erie County Comptroller Nancy Naples and County Attorney Frederick Wolf.

MS. MARINELLI moved the approval of the resolution. MR. KUWIK seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 23E-17 (2004). MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 529

Re: Erie County Department of Senior Services Authorization to Establish the Partnership for Falls Prevention Grant (PFP).

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the Administration on Aging has awarded the Department of Senior Services a grant in the amount of \$33,165 in federal funds to conduct a project under the Aging Services Network Integrated Care Management Program for the period September 30, 2004 through September 29, 2005; and

WHEREAS, the purpose of this Partnership for Falls Prevention (PFP) project is to identify elderly persons at high risk of fractures due to falls and to intervene to prevent or forestall such falls; and

WHEREAS, conduct of this project requires the collaboration of Independent Health Association, Inc., the University at Buffalo Design and Fabrication Shop Center for Assistive Technology, and Tender Loving Care Health Care Services, Inc. to assist in falls prevention for the elderly; and

WHEREAS, the federal grant requires a local share of \$25,658, said share to come from subcontractor match and from the equivalent cost of time spent on the project by non federal grant funded personnel.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to accept funding from the U.S. Administration on Aging in the amount of \$33,165 to carry out the Partnership for Falls Prevention project; and further be it

RESOLVED, that the County Executive be authorized to enter into contracts with Independent Health Association, Inc. in the amount of \$15,000 (\$5,000 cash and 10,000 subcontractor match), University at Buffalo Design and Fabrication Shop Center for Assistive Technology in the amount of \$10,000, and Tender Loving Care Health Care Services, Inc. in the amount of \$3,200, and further be it

RESOLVED, that the budget for the Partnership for Falls Prevention Project, 163PFP0405, for the period September 30, 2004 through September 29, 2005 be established as follows:

		INITIAL BUDGET
REVENUES		
Account	Description	
414000	Federal Aid	\$33,165
466000	Miscellaneous Revenue	25,658
	TOTAL REVENUE	<u>\$58,823</u>
APPROPRIATIONS		
500000	Full Time Salaries	\$15,377
502000	Fringe Benefits	5,536
505000	Office Supplies	600
510000	Local Mileage Reimbursement	1,500

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

510100	Out of Area Travel	2,510
561410	Lab & Tech Equipment	1,800
516020	Independent Health Assoc., Inc. Tender Loving Care Health Care	15,000
516020	Services, Inc.	3,200
516020	Center for Assistive Technology	10,000
980000	ID DISS Services	3,300
	TOTAL APPROPRIATIONS	\$58,823

and further be it resolved

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Division of Budget, Management and Finance, the Comptroller's Office, the Department of Law and the Department of Senior Services.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 25E-28 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 530

RE: Department of Health – Women's
 Health Services Program 4/1/03 –
 12/31/04 SAP
 #127WOMENHLTH0304

WHEREAS, the Erie County Department of Health has recently received a revised grant award from the New York State Health Department in the amount of \$912,899 for the provision of family planning services, and extends the end date from 6/30/04 to 12/31/04, and

WHEREAS, the purpose of the grant is to provide comprehensive family planning services to at-risk adolescents and other medically indigent women and men in areas where infant mortality, morbidity, adolescent pregnancy and out-of-wedlock birth rates are high.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into a revised agreement with the New York State Health Department to accept the amended grant which extends the end date from 6/30/04 to 12/31/04 and is budgeted as follows:

Women's Health Services
4/1/03 – 12/31/04
SAP #127WOMENHLTH0304

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

SAP CODE	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
409000	STATE REVENUE	\$ 655,316	\$ +257,583	\$ 912,899
416070	PRIVATE PAY	1,564	0	1,564
416900	MEDICAID	120,902	0	120,902
416520	MEDICAL RECORDS	60	0	60
416530	PRIOR YEARS ROLLOVER	1,167,290	0	1,167,290
416540	INSURANCE	42,800	0	42,800
466100	OTHER REVENUE-GRANT PROG.	311,624	+542,234	853,858
TOTAL REVENUE		\$ 2,299,556	\$ 799,817	\$ 3,099,373
APPROPRIATIONS				
500000	PERSONAL SERVICES	\$ 1,260,521	\$ +479,399	\$ 1,739,920
502000	FRINGE BENEFITS	376,627	+147,175	523,802
505000	OFFICE SUPPLIES	13,750	+9,950	23,700
505400	FOOD SUPPLIES	3,000	+3,000	6,000
505800	MEDICAL SUPPLIES	162,888	+67,967	230,855
506200	MAINT & REPAIR SUPPLIES	47,476	+1,250	48,726
510000	LOCAL MILEAGE	14,252	+4,900	19,152
510100	TRAVEL-OUT OF AREA	14,750	+4,000	18,750
510200	TRAINING AND EDUCATION	3,000	+3,560	6,560
516010	CNT PMTS-NP PUR SVS	23,625	+8,250	31,875
516020	PRO SER CNT & FEES	235,755	+66,340	302,095
516030	MAINTENANCE CONTRACTS	8,000	+3,000	11,000
530000	OTHER EXPENSES	83,418	+16,756	100,174
545000	RENTAL CHARGES	102	+23	125
561410	LAB & TECHNICAL EQUIPMENT	33,260	+14,650	47,910
561420	OFFICE EQUIPMENT	17,261	+1,200	18,461
561430	BUILDINGS & GROUNDS EQUIP	22,000	0	22,000
912700	ID HEALTH SERVICES	39,218	+15,687	54,905
912730	ID HEALTH LAB SERVICES	50,053	+20,020	70,073
912790	ID HEALTH GRANT SERVICES	- 130,650	- 75,810	- 206,460
980000	ID DISS SERVICES	21,250	+8,500	29,750
TOTAL APPROPRIATIONS		\$ 2,299,556	\$ +799,817	\$ 3,099,373

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

CARRIED UNANIMOUSLY.

Item 34 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 26E-21 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 531

RE: Department of Health – Public
 Health Preparedness Laboratory
 Response Network 9/1/03 – 8/30/04
 Project #913 SAP TITLE:
 HS127LRN0304 COST CENTER:
 #1273010

WHEREAS, the Erie County Department of Health operates a Public Health Preparedness Laboratory Response Network through funding from New York State Health Research, Inc. for the development of a high containment emergency preparedness laboratory, and

WHEREAS, in order to balance the accounts within the budget and maximize revenue, budgetary adjustments are necessary.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the revised grant award from HRI which is budgeted as follows:

Public Health Laboratory Response Network Grant

09/01/03 – 08/30/04

SFG Project #913 SAP Title: HS127LRN0304, COST CENTER #1273010

SAP	REVENUE	CURRENT BUDGET	CHANGES	REVISED BUDGET
410190	NYS Health Research	\$250,000.00	\$0.00	\$250,000.00
	TOTAL	\$250,000.00	\$0.00	\$250,000.00

EXPENSES

500000	Personal Services	\$82,235.00	\$325.80	\$82,560.80
501000	Overtime	31.00	0.00	31.00
502000	Fringe Benefits	26,894.00	105.18	26,999.18
505800	Medical Supplies	25,426.00	-911.85	24,514.15
506200	Repairs & Maintenance	540.00	-180.00	360.00
510100	Out Of Area Travel	4,733.00	-0.34	4,732.66
510200	Training & Education	30.00	0.00	30.00
516020	Prof. Service Dues/Fees	305.00	-3.50	301.50
516030	Maintenance Contract	20,749.00	0.00	20,749.00

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

561420	Lab & Tech Equip	89,057.00	-757.52	88,299.48
912700	I/D - Indirect Exp	0.00	1,422.23	1,422.23
	TOTAL	\$ 250,000.00	\$0.00	\$250,000.00

Corresponding 110, Fund Center 12370 (PH Lab) Budget Appropriation Changes:

912700	ID – Indirect Expenses	\$1,422.23	Credit
505800	Medical Supplies	\$1,422.23	Debit

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 35 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 26E-14 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 532

Re: Department of Health – Budgetary Adjustments.

WHEREAS, the Erie County Legislature adopted Comm. 18E-2, which called for budgetary adjustments in the 2004 adopted budget, and

WHEREAS, in order to carry out mandated services vital to the public health of the residents of Erie County, the Department is requesting reinstatement of said funding.

NOW, THEREFORE, BE IT

RESOLVED, that funds in the amount of \$254,000 are hereby appropriated from fund balance in the amount of \$120,786 (Designated Fund balance specified as 1995 County Contingency) and \$133,214 (Designated Fund balance specified as 1996 County Contingency), and be it further

RESOLVED, that authorization provided to adjust the following accounts:

FUND CENTER - DIVISION	ACCOUNT NAME	AMOUNT	JUSTIFICATION
-----------------------------------	---------------------	---------------	----------------------

REVENUE

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Countywide Budget 14010	Appropriated Fund Balance 402190	<u>\$254,000</u>	Funds available
	TOTAL REVENUE	<u>\$254,000</u>	
<u>EXPENSES</u>			
EMS – 12720	Professional Services 516020	\$80,000	Vol. Firemen training 100% state reimbursed HAZ MAT Team
	Lab & Tech Equip 561410	\$ 3,000	
Health Div -12700	Professional Services 516020	\$95,000	Fee-for-Service Clinical providers
Health Div -12700	Local Mileage 510000	\$50,000	Reimburse co. employees for use of private vehicle for co. business
Persons w/Special Needs 12750	Local Mileage 510000	\$20,000	Reimburse co. employees for use of private vehicle for co. business
	Office Supplies 505000	<u>\$6,000</u>	NYS regulation/info dissemination
	TOTAL EXPENSES	<u>\$254,000</u>	

and be it further,

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved to amend the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

☒ **DELETE** the first (1st) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that funds in the amount of \$83,000 are hereby appropriated from fund balance (Designated Fund Balance specified as 1995 County Contingency) and be it further

☒ **DELETE** the second (2nd) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that authorization is provided to adjust the following accounts:

FUND CENTER – DIVISION	ACCOUNT NAME	AMOUNT	JUSTIFICATION
-----------------------------------	---------------------	---------------	----------------------

REVENUE

Countywide Budget 14010	Appropriated Fund Balance	\$83,000	Funds Available
----------------------------	---------------------------	----------	-----------------

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

TOTAL REVENUE \$83,000

EXPENSES

EMS-12720	Professional Services 516020	\$80,000	Vol Firemen Training 100% State Reimbursed
	Lab & Tech Equip 561410	\$3,000	HAZ MAT Team

TOTAL EXPENSES \$83,000

and be it further,

☞ **ADD** the following **RESOLVE** Clause as the new third (3rd) **RESOLVE**:

RESOLVED, that all state reimbursements arising from this item shall be promptly reported to the Legislature as unanticipated revenue, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 36 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 23E-14 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 533

RE: Removal of Steuben Foods Rail
Crossing on Maple Street, Town of
Elma.

WHEREAS, the Department of Public Works is in the process of rehabilitating a section of Maple Street in the Town of Elma near Steuben Foods, and

WHEREAS, due to the condition of the rail crossing and the numerous constituent complaints received by the Department, it is desired to remove the crossing within the County right-of-way, and

WHEREAS, Steuben Foods owns the rail, and

WHEREAS, Steuben Foods is willing to allow the crossing be removed provided that, in the future, it is replaced if and when they expand and require its usage.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to enter into a Memorandum of Understanding with Steuben Foods stating that the rail crossing within the County right-of-way can be removed provided that, in the future, it is replaced if and

when Steuben Foods desires to expand rail usage to the facility and the crossing is needed; and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to the Deputy Commissioner of Public Works – Highways; one copy to the Office of County Executive; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 37 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 23E-15 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 534

Re: Agreement to Share Services
With Local Municipalities.

WHEREAS, the Erie County Department of Public Works, Division of Highways, is responsible for the construction, repair or reconstruction and maintenance of nearly 1200 centerline miles of highway, 282 highway bridges and 402 major culvert crossings within Erie County, and

WHEREAS, various municipalities around Erie County have similar responsibilities for their roadway system, and

WHEREAS, there is much to be gained by both municipalities and the County by sharing services amongst the entities, and

WHEREAS, Article 17 of the Erie County Charter permits the County to contract with any municipality or public authority situated within or adjacent to the County for the rendering of any service which each of the contracting parties would have legal authority to establish, maintain, operate or render for itself,

NOW, THEREFORE, BE IT,

RESOLVED, the Erie County Legislature authorizes entering into agreements with local municipalities to contract for services performed by Erie County on their behalf and vice versa that are mutually beneficial in an amount not to exceed \$10,000; and be it further,

RESOLVED, the funds received from work performed on behalf of the municipalities will be credited to the various accounts in the Highway Road Fund O & M Budget from which the work was performed with the approval of the Office of Budget Management and Finance; and be it further,

RESOLVED, the funds spent for work performed by local municipalities on Erie County's behalf will be taken from the Highway Road Fund O & M Budget for which the work was performed with the approval of the Office of Budget Management and Finance; and be it further,

RESOLVED, that Erie County Legislature will be sent informational copies of the executed contracts; and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; one copy to Interim Deputy Commissioner-Highways; one copy to the Office of County Executive; one copy to the Division of Budget Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 38 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 23E-25 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 535

Re: Roof Repair – Emergency Response Services – All County-Owned Buildings, Contract Allowance Increase.

WHEREAS, funds were authorized and contracts were awarded by the Department of Public Works for the Roof Repair – Emergency Response Services – All County-owned Buildings, and

WHEREAS, a contract was awarded to Jameson Roofing Co., in the maximum amount of \$70,000.00, the total expenditure of which shall be based upon a project-by-project basis, and

WHEREAS, due to several emergencies from wind damage in January of 2002 and 2003, the contract was increased from \$70,000.00 to \$270,000.00,

NOW, THEREFORE, BE IT,

RESOLVED, that the total expenditure be increased from \$270,000.00 to \$320,000.00, with authorization for the Commissioner of Public Works to approve the work based upon the NYS Department of Labor Prevailing Wage Rate Schedule and for all materials furnished and installed for each emergency response repair, and be it further,

RESOLVED, that the Comptroller's Office be authorized to make payment for all of the above from 2002 Roof Replacement & Waterproofing account, Project A.00050, in the amount of \$50,000, and be it further,

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 39 – MS. MARINELLI moved to discharge the ECONOMIC DEVELOPMENT COMMITTEE from further consideration of Comm. 26E-10 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 536

Re: Acceptance of FEMA Funds and Award of Contracts and/or use of In-house Resources for Emergency Work/Work Completed.

WHEREAS, in May and June 2004, constant rains caused severe flooding and damage to roadways, culverts and bridges throughout Erie County, and

WHEREAS, that damage due to the flooding was estimated and submitted through the State Emergency Management Organization (SEMO) to the Federal Emergency Management Agency (FEMA), and

WHEREAS, in August 2004 the President signed a disaster declaration that included Erie County, and

WHEREAS, negotiations with SEMO/FEMA are now going on and several Project Worksheets (PW) have been completed, and

WHEREAS, the following locations have approved PW's for emergency protective measures or work completed when the rains occurred;

<u>Location</u>		<u>Amount</u>
Tonawanda Creek	559-2	\$ 27,688.00
Hamburg District (various)	EC-1	\$ 4,873.28
Hamburg District (various)	EC-5	\$145,370.92
Aurora District (various)	EC-2	\$ 24,506.37
Aurora District (various)	EC-3	\$ 56,118.86
Zoar Valley	457-4	\$ 5,114.66

and,

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, SEMO/FEMA will reimburse Erie County for 87.5% of all expenditures incurred for the remediation of each approved location with the County's local share being 12.5% to the total cost for remediation of each location, and

WHEREAS, your Honorable Body recently approved \$4 million for the Emergency Road Reconstruction Project (B.00136) for emergency road reconstruction which will be used towards the County's match as required and other improvements required that are not eligible for SEMO/FEMA reimbursement,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature accepts the funding negotiated with SEMO/FEMA for each approved location, increasing the revenue and appropriations in the Emergency Road Reconstruction Project accordingly per the following list:

<u>Location</u>		<u>Amount</u>
Tonawanda Creek	559-2	\$ 27,688.00
Hamburg District (various)	EC-1	\$ 4,873.28
Hamburg District (various)	EC-5	\$145,370.92
Aurora District (various)	EC-2	\$ 24,506.37
Aurora District (various)	EC-3	\$ 56,118.86
Zoar Valley	457-4	\$ 5,114.66

RESOLVED, that the Erie County Legislature authorizes the funding, as required, of the 12.5% local share for each approved location from the \$4 million bond financing approved for the Emergency Road Reconstruction project (B.00136), and be it further,

RESOLVED, that the Erie County Legislature authorizes the Department of Public Works to use the funds received to pay invoices for the work that was performed, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Deputy Commissioner – Highways; one copy to the Office of the County Executive; one copy to the County Attorney's Office; one copy to the Division of Budget, Management and Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 40 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 23E-28 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 537

Re: Erie County Sewer District No. 3

Authorization of Easement Acquisition
 Greenmeadow Pumping Station
 Elimination Town of Orchard Park.

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the Erie County Legislature have previously authorized construction of a network of sanitary sewers and pumping stations in the Town of Orchard Park; and

WHEREAS, Erie County Sewer District No. 3 needs to acquire a permanent .21 acre and a temporary 1.61 acre easement (SBL 185.13-1-24.1) adjacent to the Greenmeadow Drive Pumping Station for the future construction of sanitary sewers to enable the elimination of the existing pumping station; and

WHEREAS, an independent appraisal has been prepared of the easement area for Erie County Sewer District No. 3.

NOW, THEREFORE, BE IT

RESOLVED, that Erie County Sewer District No. 3 be authorized to acquire said easements adjacent to the Greenmeadow Drive Pumping Station owned by Fredrick W. Gernold Sr. and Dorothy A. Gernold (SBL No. 185.13-1-24.1) and to pay for tree damages for the sum not to exceed \$16,500.00; and be it further

RESOLVED, that the Comptroller be authorized and directed to allocate the sum not to exceed \$16,500.00 from Erie County Sewer District No. 3, Sewer Capital C.00003 (430-174); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning, and Gregory J. Dudek, Assistant County Attorney, Nancy Naples, Erie County Comptroller, and Joseph Passafiume, Director, Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 41 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 23E-29 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 538

Re: Erie County Sewer District No. 2
 Transfer of Funds Increase in Utility
 Costs.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, approval of a resolution to authorize the transfer of funds from Erie County Sewer District No. 2 Fund Balance Account is needed due to an increase in utility costs in Fiscal Year 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the following amount be transferred below:

The amount of \$100,000.00 from Sewer District No. 2 Operating Fund Balance, Fund 220, Cost Center, 18210, Account 388000, to Revenue Account, Use of Fund Balance 402190, then to Fund 220, Cost Center 18210, Account 575000, Interfund-Utilities Enterprise Fund and a corresponding transfer to Enterprise Fund 140, Cost Center 12110, Utilities Interfund Revenue Account 450000, Sewer District 2 and Enterprise Fund 140, Cost Center 12110, Utilities Account 575000; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; Joseph Passafiume, Director of Budget and Management and Nancy Naples, Erie County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 42 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 26E-22 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 539

Re: Notice of Adoption Erie County
Sewer Districts 2005 Assessment Rolls.

WHEREAS, the 2005 Assessment Rolls for Erie County Sewer District Nos. 1 - 6 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2004; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 2nd Floor, Part 6, Buffalo, New York, at 1:30 p.m., local time on November 4, 2004

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2005 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5 and 6; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to Joel A. Giambra, County Executive, Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, Nancy A. Naples, County Comptroller, and Gregory Dudek, Assistant County Attorney.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 43 – MS. MARINELLI moved to discharge the ENERGY & ENVIRONMENT COMMITTEE from further consideration of Comm. 25E-43 (2004). MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 540

Re: Utility Enterprise Fund Budget
Revision – 2004.

WHEREAS, the utility aggregate experienced a growth in the number of members enrolled again in 2004, and

WHEREAS, the price of natural gas and electricity experienced unexpected fluctuations, and

WHEREAS, the actual expenditure for utilities within the Utility Enterprise Fund have exceeded the budget set for the year 2004 by \$5.0 million, and

WHEREAS, the bills paid under the Utility Enterprise Fund are then billed to the various municipalities as a source of revenue, and

WHEREAS, without an increase in the budget for the Utility Enterprise Fund, the utility bills cannot be paid,

NOW, THEREFORE, BE IT,

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLVED, that the budget for the Utility Enterprise Fund shall be increased from \$32,977,141 to \$37,977,141 with the appropriations in Account 515000, Utility Expense, and the revenues in Account 420190, Other General Services – Other Governments being increased by a total of \$5.0 million, and be it further,

RESOLVED, that two copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget Management & Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 44 – MS. MARINELLI moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 26E-1 (2004). MR. DEBENEDETTI seconded. MS. MARSHALL abstained.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 541

Re: Lease for Legislative Office space.

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between John & Phyllis Besch located at 5580 Broadway, Lancaster, New York and Erie County for Legislative Office Space for Erie County Legislator Denise Marshall at a cost of \$637.00 per month.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded. MS. MARSHALL abstained.

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 45 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 30E-66 From LEGISLATOR SWANICK Re: Absence from Rescheduled Session on December 22, 2004.

CHAIRMAN HOLT directed that the following resolution be received, filed & printed.

GRANTED.

December 22, 2004

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
Old County Hall
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Absence from Rescheduled Session on December 22, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the Rescheduled Session on December 22, 2004 due to previously scheduled family obligations out of town.

If you have any questions, please contact the Republican Chief of Staff, Harry Wahl. Thank you.

Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

Item 46 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

GRANTED.

Comm. 30E-67 From LEGISLATOR WROBLEWSKI Re: Clarity of his negative vote on Comm. 26E-8, the Adoption of the 2005 Erie County Real Property Tax.

CHAIRMAN HOLT directed that the following resolution be received and filed.

GRANTED.

Item 47 – MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded. LEGISLATOR WEINSTEIN objected.

CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 30-7 From LEGISLATORS CHASE & KUWIK Re: Moving the Lackawanna Toll Barrier out of Erie County.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 48 – (Comm. 30E-1) Apportionment & Distribution of 4% Sales Tax for 11/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR CHASE

Item 49 – (Comm. 30E-2) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

Mr. Kevin Kelley
Clerk/Erie County Legislature
92 Franklin St. 4th Floor
Buffalo, New York 14202
Dear Mr. Kelley:

I am writing with a request that the County donate some of our used computers to the Armor Volunteer Fire Company, Inc., located in Hamburg. You will find their letter of request, originally sent to the Erie County Director of Information Systems Support, attached to this correspondence.

Currently this organization serves an area of approximately 4 square miles that includes the Erie County Fairgrounds, Raceway and Raceno facility. I therefore believe them to be most worthy of our consideration and support in this matter.

Should you have any questions concerning this request, please contact me at my district office. I look forward to receiving confirmation in the near future that you have been able to accommodate this organization with computers.

Very truly yours,

Jeanne Z. Chase

Cc: Mr. Kenneth Beam/Director Erie County DISS

October 25, 2004

Kenneth Beam, Director
Erie County Dept. of Information Systems Support
95 Franklin Street
Buffalo, New York 14202

Dear Mr. Beam:

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

I am the President of the Armor Volunteer Fire Company, which is an All Volunteer non- profit organization in Hamburg, New York. We cover about 4 square miles, which includes the Erie County Agricultural Society, the Erie County Fair, Raceway, and Raceno.

I understand that Erie County is in the process of switching over to IBM Computers and have some other relatively new computers that may be available to non-profit organizations, such as ours.

Thank you, in advance, for any considerations that you may be able to donate to our non-profit organization.

Sincerely,

Harry Caughel, President
Hillcrest Cemetery

CC: Legislator Jeanne Chase
Legislator Steve McCarville

Item 50 – (Comm. 30E-3) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

Mr. Kevin Kelley
Clerk/Erie County Legislature
92 Franklin St.
4th Floor
Buffalo, New York 14202
Dear Mr. Kelley:

I am writing with a request that the County donate some of our used computers to the Southtowns Haz/Mat Team, a not-for-profit organization located in Hamburg. You will find their letter of request, originally sent to the Erie County Director of Information Systems Support, attached to this correspondence.

Currently this organization serves 10 towns and five villages in Southern Erie County in the control, removal, and handling of hazardous materials. I therefore believe them to be most worthy of our consideration and support in this matter.

Should you have any questions concerning this request, please contact me at my district office. I look forward to receiving confirmation in the near future that you have been able to accommodate this organization with computers.

Very truly yours,

Jeanne Z. Chase

Cc: Southtowns Haz/Mat Board of Directors

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Mr. Kenneth Beam/Director Erie County DISS

October 25, 2004

Kenneth Beam, Director
Erie County Dept. of Information Systems Support
95 Franklin Street
Buffalo, New York 14202

Dear Mr. Beam:

I am the Team Leader of the Southtowns Haz/Mat Team, which is a non-profit organization in Hamburg, New York. We are an All- Volunteer Hazardous Materials response team that covers 10 towns, and 5 villages in Southern Erie County that formed in 1986. We have a Board of Directors that govern the municipal funds generated for the operations of the team. We have voting representatives on the Board that are from all the municipalities that we cover.

I understand that Erie County is in the process of switching over to IBM Computers and have some other relatively new computers that may be available to non-profit organizations, such as ours.

Thank you, in advance, for any considerations that you may be able to donate to our non-profit organization.

Sincerely,

David Thomason, Team Leader
Southtowns Haz/Mat Team

CC: Board of Directors
Legislator Jeanne Chase
Legislator Steve McCarville

FROM LEGISLATOR SCHROEDER

Item 51 – (Comm. 30E-4) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

November 30, 2004

Kevin Kelley
Clerk – Erie County Legislature
92 Franklin Street
Buffalo, NY 14202

Dear Mr. Clerk:

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

I am writing to request 20 surplus computers for the South Buffalo Education Center, a program that provides free G.E.D. and computer instruction. Attached is a letter from the school.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Mark J.F. Schroeder

November 28, 2004

Erie County Legislator
 Mark J.F. Schroeder
 2019 Seneca Street
 Buffalo, NY 14210

Dear Mr. Schroeder:

Our program, which provides free G.E.D. and computer instruction, is adding a job training and placement center. This training center will provide our students and other job seekers with the skills and guidance needed to find quality employment.

In order to help make this project a success, we are requesting 20 surplus computers from Erie County. Please contact us if you have any questions.

Sincerely,

Patrick J. Curry

FROM THE COMPTROLLER

Item 52 – (Comm. 30E-5) Letter to Legislature Re: Opinions of the "Red" Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR CUSACK

Item 53 – (Comm. 30E-6) "Road Map for Reform".

Received and filed.

Item 54 – (Comm. 30E-7) Letter to Legislature & County Executive Re: Fiscal Plan.

Received and filed.

FROM THE COMPTROLLER

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Item 55 – (Comm. 30E-8) Copy of Management Letter Issues by Deloitte & Touche.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY CLERK

Item 56 – (Comm. 30E-9) Petitions Signed by 12,000 Residents Opposing Cuts in County Clerk's Office & Auto Bureau.

Received and filed.

FROM THE COMPTROLLER

Item 57 – (Comm. 30E-10) Procurement Process for Period 1/1/01 to 12/31/03.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN HOLT

Item 58 – (Comm. 30E-11) 2005 Schedule of Legislative Sessions.

RECEIVED, FILED & PRINTED.

To: Kevin M. Kelley, Clerk
 From: Hon. George A. Holt, Chairman
 Subject: ***2005 SCHEDULE OF LEGISLATIVE SESSIONS***

JANUARY

6
20

JULY

7
14

FEBRUARY

3
17

AUGUST

Recess

MARCH

3
10

SEPTEMBER

15
29

APRIL

7
21

OCTOBER

13
27

MAY

NOVEMBER

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

5
19

10
23

JUNE

2
16

DECEMBER

1
5 **Budget**
12 **Override**
15

FROM THE COUNTY EXECUTIVE

Item 59 – (Comm. 30E-12) Executive Recognition of \$108,430,807 in Additional 2005 Budget Revenue – Legislative Memorializing Resolution -Additional 1% Sales Tax.

RECEIVED, FILED & PRINTED.

December 8, 2004

VIA HAND DELIVERY

Honorable George A. Holt, Jr.
 Chair, Erie County Legislature
 92 Franklin Street
 4th Floor
 Buffalo, New York 14202

Re: Executive Recognition of \$108,430,807 in Additional 2005 Budget Revenue -Legislative Memorializing Resolution - Imposition of Further Additional 1 % County Sales Tax for County Purposes

Dear Chairman Holt:

In furtherance of my powers under the County Charter and Administrative Code, as chief budget officer, to prepare and submit realistic estimates of revenue, together with my implicit and analogous duties to revise revenue estimates so as to reflect changing economic realities and to indicate the reasons for such revisions, and provided only that the County Legislature, by no less than a two-thirds affirmative vote today irrevocably adopts an appropriate memorializing resolution requesting that New York State authorize the County to impose a further additional 1% sales tax, thus increasing the combined State and County sales tax rate in Erie County to 9.25% as of March 1, 2005, with revenues from such additional 1% sales taxes to be used solely for County purposes, I hereby revise my estimate of 2005 Budget revenue by recognizing an additional \$108,430,807 by reason of the anticipated imposition of said further additional 1 % sales tax.

Respectfully submitted,
 JOEL A. GIAMBRA
 County Executive

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

JAG/ms

cc:

Mr. Kevin Kelly, Clerk ECL
 Joseph Passafiume, Budget Director
 Frederick A. Wolf, County Attorney

Item 60 – (Comm. 30E-13) Executive Recognition of \$500,000 in Additional 2005 Budget Revenue - Reimbursement of Dental Insurance Premiums.

RECEIVED, FILED & PRINTED.

December 8, 2004

VIA HAND DELIVERY

Honorable George A. Holt, Jr.
 Chair, Erie County Legislature 9
 2 Franklin Street
 4th Floor
 Buffalo, New York 14202

Re: Executive Recognition of \$500,000 in Additional 2005 Budget Revenue -Reimbursement of Dental Insurance Premiums

Dear Chairman Holt:

In furtherance of my powers under the County Charter and Administrative Code, as chief budget officer, to prepare and submit realistic estimates of revenue, together with my implicit and analogous duties to revise revenue estimates so as to reflect changing economic realities and to indicate the reasons for such revisions, I am writing to revise my estimate of 2005 Budget revenue by recognizing an additional \$500,000 which recently became available attributable to the reimbursement of dental insurance premiums. Consequently, I hereby revise my estimate of 2005 budget revenue by recognizing the anticipated receipt of the additional revenues described herein.

Respectfully submitted,

JOEL A. GIAMBRA
 County Executive

JAG/ms

cc:

Mr. Kevin Kelly, Clerk ECL
 Joseph Passafiume, Budget Director
 Frederick A. Wolf, County Attorney

FROM CHAIRMAN HOLT

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Item 61 – (Comm. 30E-14) Budget Override Session Cancelled.

RECEIVED, FILED & PRINTED.

December 13, 2004

To: All Erie County Legislators
From: George A. Holt, Jr., Chairman
Re: Budget Override Session Cancelled

Be advised that County Executive Joel A. Giambra has filed a communication with the Erie County Legislature stating that he does not object to the restorations to the 2005 Erie County Tentative Budget adopted by this body at Meeting No. 28 held on December 7, 2004. A copy of the County Executive's communication is attached.

Since there are no items to override, I am canceling the previously scheduled 'Override' session of Tuesday, December 14, 2004.

Thank you.

Attachment

FROM THE COUNTY EXECUTIVE

Item 62 – (Comm. 30E-15) Letter to Legislature Re: No Vetoes of & Increases of Additions in Tentative 2005 Budget.

RECEIVED, FILED & PRINTED.

December 13, 2004

BY HAND DELIVERY

Mr. Kevin Kelley, Clerk
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

Please be advised that I do not object to any additions or increases to the Tentative 2005 Budget which the Legislature approved of on December 8, 2004 at a recessed session of its December 7, 2004 Budget meeting.

Since I approve of said additions and increases to the County's 2005 Budget the Budget as amended by the Legislature, is therefore adopted.

Sincerely,

JOEL A. GIAMBRA
 County Executive

FROM CHAIRMAN HOLT

Item 63 – (Comm. 30E-16) Notice of Special Session 12/16/04.

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 64 – (Comm. 30E-17) Personnel – Transfer of Funds.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 65 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 542

Re: Guaranteeing Payment of Workers
 Compensation & Automobile Liability
 Claims of ECMCC. (Comm. 30E-18)

WHEREAS, the County and the Erie County Medical Center Corporation (ECMCC) entered into a Sale, Purchase and Operation Agreement (SPOA), effective January 1, 2004, setting forth each party's rights and obligations with regard to the operation of the Medical Center and Erie County Home; and

WHEREAS, the SPOA permits the County and ECMCC to continue to provide services for one another, provided that such services are agreed to in writing; and

WHEREAS, prior to the effective date of the SPOA, the County defended ECMCC's predecessor, the Erie County Medical Center Healthcare Network ("Network") against workers compensation and automobile liability claims and paid settlements or judgments related thereto from County funds; and

WHEREAS, ECMCC applied to the New York State Workers Compensation Board and the Department of Motor Vehicles to become self-insured with regard to workers compensation and automobile liability claims but both applications were denied, in large part because ECMCC is a new corporation without a credit history required to become self-insured; and

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, ECMCC has requested that the County guaranty payment of ECMCC's workers compensation and automobile liability claims in the event ECMCC defaults on its payment on one or more of these claims.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive may, at his option, execute agreements with ECMCC whereby the County will guaranty payment of lawful workers compensation claims, or lawful automobile liability claims, or both such claims on behalf of ECMCC in the event that ECMCC defaults on its payment of one or more of these claims; and be it further

RESOLVED, that such agreement(s) shall conform to the self-insurance requirements of the Workers Compensation Board and the Department of Motor Vehicles; and be it further

RESOLVED, that should the County Executive enter into such guaranty agreement(s) with ECMCC, such agreement(s) shall be revocable by the County upon ninety (90) days notice to ECMCC, the Workers Compensation Board and the Department of Motor Vehicles; and be it further

RESOLVED, that such guaranty agreement(s), if entered into by the County Executive, shall contain a proviso reserving the County's rights to seek reimbursement or other relief from ECMCC, including but not limited to reducing the annual operating subsidy that is required to be paid to ECMCC pursuant to the SPOA, in the event that the County is required to pay claims on behalf of ECMCC; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget, Management & Finance, County Attorney, and Joseph A. Zizzi, Sr., MD, Interim Chief Executive Officer, Erie County Medical Center Corporation.

MS. MARINELLI moved the approval of the resolution. MR. DUSZA seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, WEINSTEIN, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI & SMITH. NOES: DEBENEDETTI & WROBLEWSKI. (AYES 12, NOES 2). SWANICK absent

CARRIED.

Item 66 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 543

Re: Supplemental Agreement With
 NYSDOT – Preliminary Engineering –
 Right-of- Way Incidentals &
 Construction & Construction Inspection

Phases. (Comm. 30E-19)

WHEREAS, a project for the Replacement of the Lapp Road Bridges, BR 24-3 and 24-4, over Beeman Creek, BIN 3-32629-0, and Tributary to Beeman Creek, BIN 3-32628-0, in the Town of Clarence, Erie County, PIN 5756.08, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of 100% of the non-Federal share of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Construction and Construction Inspection Phases of the Project, PIN 5756.08,

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby,

RESOLVE, that the County Legislature of the County of Erie, hereby approves the above-subject project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and non-Federal shares of the costs of the Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Construction and Construction Inspection Phases or portions thereof, and be it further,

RESOLVED, that the sum of \$170,000, has been appropriated from the 2001 Lapp Road Bridges Reconstruction Program (PIN 5756.08) (SFG 420-207 and SAP B.00019), an additional \$149,000 was previously appropriated for the Project's Preliminary Engineering (Scoping and Design I-VI), and Right-of-Way Incidentals Phases via County Resolution No. 16E-46 adopted on the 19th day of September 2002 and \$908,000 previously appropriated for the Project's Construction and Construction Inspection Phase via County Resolution No. 16E-25 adopted on the 15th day of July 2004) and made available to cover the cost of participation in the above phases of the Project, and be it further,

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Construction and Construction Inspection Phases exceeds the amount appropriated above \$1,227,000 and/or 100% of the full Federal and Non-Federal Shares of the cost of the Project's Preliminary Engineering (Scoping and Design I-VI), Right-of-Way Incidentals and Construction and Construction Inspection Phases exceeds \$1,027,000, representing a reduction of \$200,000 in costs based on recent construction letting, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

funding of Project costs and permanent funding of the local share of Federal-Aid and State-Aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

RESOLVED, that the Lapp Road Reconstruction Project fund B.00019 be proportionally reduced by \$200,000 as indicated in the agreement, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreements in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 67 – (Comm. 30E-20) Social Services – Non-Residential Domestic Violence Contracts.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 68 – (Comm. 30E-21) Probation & Youth Detention Services – Extension/Increase for Intensive Juvenile Community Project Contract with NYS CJS.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 69 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 544

Re: 2004 Subsidy for ECMCC.
 (Comm. 30E-22)

WHEREAS, in January 2004, the County of Erie and the Erie County Medical Center Corporation (ECMCC) entered into a Sale, Purchase and Operation Agreement (SPOA) setting forth each party's rights and obligations with regard to the operation of the Medical Center; and

WHEREAS, Section 12.2 of the SPOA, as amended, requires the County to pay ECMCC the total operating contribution of \$29,500,000 for fiscal year 2004, less an offset in the amount of \$3,751,489, which is attributable to budgeted interest expense on bonded indebtedness retained by the County; and

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, in a resolution of the Erie County Legislature dated July 15, 2004 (Intro. 17-16), the County subsidy to ECMCC was reduced by \$4,797,520.60 in accordance with the creation of an escrow account to fund debt service for fiscal year 2004; and

WHEREAS, the net subsidy owed to ECMCC by the County (less debt service) is \$25,748,511, and this amount is comprised of \$14,096,840 for ECMCC operating expenses and \$11,651,671 from tobacco monies for various capital purposes; and

WHEREAS, the SPOA will have to be amended to account for the fact that \$11,651,671 of the \$29,500,000 subsidy is for various capital purposes; and

WHEREAS, in addition to contributing \$11,651,671, the County is also required pursuant to the SPOA to provide \$3,183,585 of capital improvement work, approximately \$12,700,000 in ongoing capital improvements and \$23,037,300 in funding for the Erie County Medical Center Network's existing capital program for the years 2004, 2005 and 2006, as authorized in the County's 2003 capital budget; and

WHEREAS, in 2004 ECMCC was required to perform emergency upgrades on their computer system in the amount of approximately \$750,000, construction and renovation of the cardio-thoracic unit and ambulatory care unit in the amount of \$1,275,000, fourth floor renovation in the amount of \$900,000, radiology equipment replacement and upgrades in the amount of \$1,500,000, and miscellaneous hospital equipment in the amount of \$500,000, and ECMCC is seeking reimbursement from the County as part of the capital expenditures earmarked for ECMCC.

NOW, THEREFORE, BE IT

RESOLVED, that the resolution enacted by the Erie County Legislature on July 15, 2004 (Intro 17-16), and the 2004 Erie County Budget, is hereby amended by eliminating the sum of \$4,797,520.60 as an offset to the operating subsidy due ECMCC and restoring this amount to the subsidy; and be it further

RESOLVED, that the sum of \$11,651,671 is hereby appropriated from tobacco funds in order to fund various capital purposes in fiscal year 2004, that the sum of \$11,651,671 is hereby reduced from the General Fund subsidy to ECMCC, and the corresponding General Fund revenue from the interfund-tobacco trust fund shall also be reduced by this amount; and be it further

RESOLVED, that the sum of \$11,651,671 constitutes part of the \$29,500,000 subsidy to ECMCC in fiscal year 2004 less the offset of \$3,751,489 attributable to budgeted interest expense on bonded indebtedness retained by the County; and be it further

RESOLVED, that Section 12.2 of the SPOA, as amended, be further amended by accounting for the fact that the 2004 ECMCC subsidy includes the sum of \$11,651,671 for various capital purposes in fiscal year 2004; and be it further

RESOLVED, that if the total appropriations made to date by this Legislature are insufficient to cover the entire 2004 ECMCC subsidy of \$29,500,000, the Budget Office, with the advice and

consent of the Comptroller's Office, will submit a subsequent resolution to this Legislature to appropriate additional funds for this purpose; and be it further

RESOLVED, that a sum not to exceed \$4,925,000 shall be appropriated from the \$11,651,671 in tobacco funds for the purpose of funding the emergency upgrades to ECMCC's computer system (\$750,000), cardio-thoracic unit and ambulatory care construction and renovation (\$1,275,000), fourth floor renovation (\$900,000), radiology equipment replacement and upgrades (\$1,500,000), and miscellaneous hospital equipment (\$500,000); and be it further

RESOLVED, that the Budget Director and the County Comptroller are authorized to make an accounting of all adjustments necessary to fulfill the requirements set forth in this resolution; and be it further

RESOLVED, that the County Executive is authorized to execute any and all agreements or other documentation to effectuate the above; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget, Management & Finance, County Attorney, and Joseph A. Zizzi, Sr., MD, Interim Chief Executive Officer, Erie County Medical Center Corporation.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 70 – (Comm. 30E-23) Grant Agreement with ECIDA for Road Improvement Near New GEICO Facility -North French Road, Town of Amherst.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 71 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 545

Re: Supplemental Agreement with
 NYSDOT – Vaughn Street Bridge – NY
 Route 240 Bridge Over Cattaraugus
 Creek, Town of Concord & Catt.
 County. (Comm. 30E-24)

WHEREAS, a project for the Replacement of the NY Route 240 Bridge over Cattaraugus Creek, Vaughn Street Bridge (CR 198), BIN 3060570 in the Town of Concord, Erie County and County Road 32 in the Town of Ashford, Cattaraugus County, PIN 5268.28, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-Federal funds, and

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

WHEREAS, the County of Erie will share the burden of project costs equally with the County of Cattaraugus, and

WHEREAS, the County of Erie desires to advance the above Project by making a commitment of their portion (50%) of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases of the Project, or portions thereof, with the Federal share of such costs to be applied directly by the New York State Department of Transportation ("NYSDOT") pursuant to Agreement.

NOW, THEREFORE, the County Legislature of the County of Erie, duly convened does hereby

RESOLVE, that the County Legislature of the County of Erie hereby approves the Project, and be it further,

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance their portion (50%) of the non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI), Right-of-Way Incidentals, Right-of-Way Acquisition, and Construction & Construction Inspection Phases for the Project or portions thereof, and be it further,

RESOLVED, that the sum of \$1,213,855 is hereby appropriated from the 2004 Unanticipated Road and Bridge Costs Program (SAP B.00127) in addition to \$109,600 previously appropriated for the Project's Preliminary Engineering (Scoping & Design I-VI), and Right-of-Way Incidentals Phases via Erie County Resolution No. 2D-15, 22D-14 AND 14E-31 adopted on February 2, 1995, December 17, 1998, and July 18, 2002, and be it further,

RESOLVED, that in the event the non-Federal share of the costs of the project exceeds the amount appropriated \$1,323,455, the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further,

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Erie with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of the non-Federal share of Project costs and permanent funding of the local share of Federal-aid and State-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible, and be it further,

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project, and be it further,

RESOLVED, that the Clerk of the Legislature forward ten (10) certified copies of this Resolution to the Deputy Commissioner, Highways, to be forwarded to the New York State

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Department of Transportation and also one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 72 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded. LEGISLATOR DEBENEDETTI in the negative.

CARRIED.

RESOLUTION NO. 546

Re: ECC -South Campus HVAC Supply
 Exhaust Modifications.
 (Comm. 30E-25)

WHEREAS, engineering design services are required for the Erie County Community College – South Campus HVAC Supply and Exhaust Modifications, and

WHEREAS, the firm of Bergmann Associates presently has a contract with the County of Erie to provide design services for various projects,

NOW, THEREFORE, BE IT,

RESOLVED, that the Commissioner of Public Works be authorized to issue a supplemental agreement to Bergmann Associates in an amount not to exceed \$27,000, including testing, reimbursables, and miscellaneous expenses relative to engineering design services required for the Erie County Community College – South Campus HVAC Supply and Exhaust Modifications, and be it further,

RESOLVED, that the \$27,000 fee allocation be taken from Project A.00069, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the County Executive's Office; one copy to the Erie County Community College; one copy to Budget Management & Finance; and one copy to the Office of the Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded. LEGISLATOR DEBENEDETTI in the negative.

CARRIED (13 – 1).

Item 73 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 547

Re: County Funding for Zoological
 Society of Buffalo. (Comm. 30E-26)

WHEREAS, the Buffalo Zoo is Erie County's most significant family cultural attraction, and the zoo's role in enhancing the business of cultural tourism in this region is essential; and

WHEREAS, Erie County has been negotiating the transfer of ownership of the Buffalo Zoo from the City of Buffalo to Erie County for the last several months, and this ownership transfer was intended, among other reasons, to relieve the City of Buffalo from significant annual operational obligations to the zoo including the City's 2004 contractual obligation to the zoo which is \$136,000; and

WHEREAS, it was agreed as part of these ownership transfer negotiations that Erie County would provide the City of Buffalo's 2004 contractual obligation to the Buffalo Zoo in the amount of \$136,000 and that these funds are needed by the Buffalo Zoo to offset its 2004 operating expenses,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement to provide funds, as specified below, to the Zoological Society of Buffalo, Inc., in the amount of \$136,000, for the purpose of providing the Buffalo Zoo with revenues needed to offset its 2004 operating expenses; and be it further

RESOLVED, that the source of funds in the amount of \$136,000 for this agreement were re-appropriated in the Economic Development/Tourism Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1333010 – Arts, Culture and Tourism to be further designated as

Zoological Society of Buffalo, Inc.	\$136,000
-------------------------------------	-----------

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; and Donna Fernandes, President, Zoological Society of Buffalo, Inc., 300 Parkside Avenue, Buffalo, New York 14214.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

AYES: CHASE, RANZENHOFER, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, & SMITH. NOES: CUSACK, MARSHALL, McCARVILLE, WEINSTEIN, DEBENEDETTI, & WROBLEWSKI. (AYES 8, NOES 6). LEGISLATOR SWANICK absent.

CARRIED.

Item 74 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 548

Re: County Funding for Niagara
 Movement Centennial Activities.
 (Comm. 30E-27)

WHEREAS, the Niagara Movement is a nationally and internationally recognized historic event that took place in Buffalo, New York in 1905, and the activities of the black leaders that participated in that event initiated the twentieth-century civil rights struggle and directly influenced the founding of the National Association for the Advancement of Colored Persons (NAACP); and

WHEREAS, the Buffalo and Erie County Historical Society, a not-for-profit organization, which provides important community programs in our region focusing on our history, has requested funds to assist in organizing and assisting activities throughout 2005 that will highlight the Niagara Movement Centennial, and these activities will focus on increasing interest and awareness on the part of the general public, visitors from other areas, and most particularly school children throughout our County; and

WHEREAS, these 2005 Niagara Movement Centennial activities will be done in cooperation with the African-American Cultural Center, as well as the school districts throughout the County, and such activities have the support of the leaders representing the NAACP, as well as the Afro-American Historical Association of the Niagara Frontier, among others,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into the necessary agreement to provide funds, as specified below, to the Buffalo and Erie County Historical Society, in the amount of \$128,800, for organizing and assisting Niagara Movement Centennial programs that will increase awareness and understanding of this historic event; and be it further

RESOLVED, that the source of funds in the amount of \$128,800 for this agreement were re-appropriated in the Economic Development/Tourism Fund in Cost Center 1335010, and these funds shall be transferred to Cost Center 1333010 – Arts, Culture and Tourism to be further designated as

Buffalo & Erie County Historical Society	\$128,800
Niagara Movement Centennial Activities	

and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the County Comptroller; the Director of the Division of Budget, Management, and Finance; the Commissioner of the Department of Environment and Planning; and William H. Siener, Executive Director, Buffalo & Erie County Historical Society, 25 Nottingham Court, Buffalo, New York 14216.

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

€ **ADD** the following **RESOLVE** Clause as the new third (3rd) RESOLVE:

RESOLVED, that County funding for the Niagara Movement Centennial Activities project shall be disseminated as follows:

In-School Programs

29 Performances Starting in February 2005 through Fall 2005
 \$40,600 – for the African-American Cultural Center

BECHS Related Costs

Curriculum Consultants	\$2,000 – for Dr. Felix Armfield, Buffalo State College
Staff (Director/Archivist)	\$1,000 – for BECHS
Educator/Hand-Book Guide Writers	\$2,000 – for Uncrowned Queens
Hand-Books Educators Guide Production	\$500
NAACP Speakers Bureau	\$1,200 – for NAACP

Other BECHS Programming

Exhibiting Research and Preparation, etc.	\$50,000 – for BECHS
Visitor Services and Staff Related Expenses	\$16,500 – for BECHS

Afro-American Historical Association of the Niagara Frontier

\$15,000 – for the Afro-American Historical Association

TOTAL ESTIMATED COSTS **\$128,800**

MS. MARINELLI moved the approval of the resolution as amended. MR. SMITH seconded. LEGISLATOR DEBENEDETTI in the negative.

CARRIED.

Item 75 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 549

Re: Granting Permanent Easement –
Ransom Road, Town of Clarence.
(Comm. 30E-28)

WHEREAS, the Town of Clarence and the State of New York are cooperating in the Rails to Trails Project, and

WHEREAS, the continuation of the West Shore Line bike path system in the Town of Clarence requires the construction of a pedestrian bridge across Ransom Road, a County highway, and

WHEREAS, the Town of Clarence needs to obtain a permanent easement from the County of Erie in order to construct this pedestrian bridge across Ransom Road, and

WHEREAS, the Clarence Town Board approved a resolution on August 25, 2004 for the installation of a pedestrian bridge over Ransom Road and agreed to the terms and conditions of the permanent easement agreement, and

WHEREAS, the Deputy Commissioner of Public Works, Division of Highways recommends granting the permanent easement to the Town of Clarence in accordance with the terms and conditions of the permanent easement agreement.

NOW, THEREFORE, BE IT,

RESOLVED that upon recommendation of the Deputy Commissioner of Public Works, Division of Highways, the permanent easement be granted to the Town of Clarence in accordance with the terms and conditions of the permanent easement agreement, and be it further,

RESOLVED, that the County Executive be authorized to execute the permanent easement agreement, and be it further,

RESOLVED, that the Clerk of the County Legislature be instructed to forward three certified copies of this resolution to the Deputy Commissioner, Division of Highways and one copy each to the County Executive, the Commissioner of Public Works, the County Comptroller, the County Attorney, and the Director of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 76 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

RESOLUTION NO. 550

Re: Glen Avenue Bridges, Village of
Williamsville. (Comm. 30E-29)

WHEREAS, Glen Avenue, in the Village of Williamsville, does not presently have a sidewalk on the north side of the street between Rock Street and Mill Street, and

WHEREAS, the Village of Williamsville desires to have a sidewalk on the north side of Glen Avenue and Glen Avenue Bridge 704, and

WHEREAS, the Village of Williamsville has obtained funding from the State of New York for construction of this sidewalk, and

WHEREAS, the County of Erie will be letting a contract for the replacement of Glen Avenue Bridge 704 and eliminating Bridge 702 and replacing it with a box culvert, both over Ellicott Creek, and

WHEREAS, the United States Federal Government, the State of New York and the County of Erie has provided funding for the Glen Avenue Bridges 702 and 704 Project, and

WHEREAS, funding for the sidewalk is not included in the proposed contract for the replacement of Glen Avenue Bridge 704 and the eliminating of Bridge 702 and installation of the box culvert, and

WHEREAS, the Village of Williamsville is agreeable to reimbursing the County for the cost of the engineering and construction necessary to provide the said sidewalk at a sum not to exceed \$142,000, and

WHEREAS, the Village of Williamsville has unanimously passed a resolution, on November 8, 2004, agreeing to pay for the sidewalk on the north side of Glen Avenue, between Rock Street and Mill Street and on the north side of the proposed bridge,

NOW, THEREFORE BE IT,

RESOLVED, that the Comptroller be authorized to accept funds from the Village of Williamsville in an amount not to exceed \$142,000, to be considered as revenue in the Glen Avenue Bridge Reconstruction Program. (SAP No. B.00135) for their share of costs to complete the sidewalk work, and be it further,

RESOLVED, that the Glen Avenue Bridge Reconstruction Program (SAP B.00135) be increased by \$142,000 to cover the cost of the sidewalks, and be it further,

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Deputy Commissioner-Highways, Department of Public Works, and one copy each to the County Executive, the Commissioner of Public Works, the Budget Director, and the Erie County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 77 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 551

Re: Extending the Transition Period
with ECMCC. (Comm. 30E-30)

WHEREAS, the County and the Erie County Medical Center Corporation (ECMCC) entered into a Sale, Purchase and Operation Agreement (SPOA), effective January 1, 2004, setting forth each party's rights and obligations with regard to the operation of the Medical Center; and

WHEREAS, prior to the effective date of the SPOA, the County provided certain services to the Erie County Medical Center Healthcare Network ("Network") and the Network provided other services to the County (collectively, the "Services"); and

WHEREAS, the SPOA provides that all of these services shall continue during a transition period, which expires on December 31, 2004 ("Transition Period") but that such Services shall be the subject of separate negotiation and potential future agreement between the parties; and

WHEREAS, the SPOA further provides that if no agreement is reached concerning any particular Service, then that Service shall cease upon expiration of the Transition Period; and

WHEREAS, the County and ECMCC are currently negotiating agreements regarding these Services but, due largely to the number and complexity of the Services provided, it is not likely that all of the necessary agreements will be reached before the expiration of the Transition Period on December 31, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the SPOA whereby the Transition Period for some or all of the services described in the SPOA may be extended for a period not to exceed one (1) year, such period shall expire no later than December 31, 2005; and be it further

RESOLVED, that Services provided during the extended Transition Period shall be accounted for, by either the County or ECMCC, as the case may be, in the same manner as before the effective date of the SPOA, unless otherwise desired by the County and ECMCC and unless or until the County and ECMCC negotiate separate agreements regarding these services; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, County Comptroller, Director of Budget, Management & Finance, County Attorney, and Joseph A. Zizzi, Sr., MD, Interim Chief Executive Officer, Erie County Medical Center Corporation.

MS. MARINELLI moved to amend the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

€ **DELETE** the first (1st) **RESOLVE** Clause in its entirety and **REPLACE** with the following:

RESOLVED, that the County Executive is hereby authorized to execute an amendment to the SPOA whereby the transition period for some or all of the services described in the SPOA may be extended by a period not to exceed six (6) months, such period shall expire no later than the last day of June 2005; and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 78 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 552

Re: Buffalo & Erie County Botanical
 Gardens Restoration – Acceptance of
 Empire State Development
 Corporation's Grant Fund Project.
 (Comm. 30E-31)

WHEREAS, the Empire State Development Corporation has awarded Erie County a \$1,000,000 grant for restoration of the Buffalo & Erie County Botanical Gardens, and

WHEREAS, the grant requires three-to-one matching funds, and

WHEREAS, the previously approved capital budgets have funds to match the grant funds,

NOW, THEREFORE, BE IT,

RESOLVED, that the \$1,000,000 Empire State Development Corporation grant funds be received and deposited into Botanical Gardens Restoration, Project A.00234, and be it further,

RESOLVED, that Project A.00234 revenues and the appropriation be increased by \$1,000,000, and be it further,

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner; one copy to the Office of the County Executive; one copy to the Division of Budget, Management & Finance; and one copy to the Office of the Comptroller.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 79 – (Comm. 30E-32) Union Ship Canal – Public Open Space Work – Amendatory Resolution.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 80 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 553

Re: Social Services – Authorization to
 Contract with Nick Everest Consulting.
 (Comm. 30E-33)

WHEREAS, Erie County has been awarded a federal grant in the amount of \$945,712 for an eighteen month period, August 1, 2004 through February 28, 2006, by the United States Department of Justice, Office of Violence Against Women to establish a Family Justice Center, and

WHEREAS, establishment of the Family Justice Center will co-locate law enforcement, judicial staff, civil legal council, domestic violence service providers, medical services, child care, chaplaincy and information systems, and

WHEREAS, there is a critical need for an individual to facilitate the strategic planning and implementation processes, and

WHEREAS, through a careful review of training and applicable experience, the Erie County Community Coordinating Council on Children and Families has determined that Nick Everest Consulting exceeds the qualifications for performance of needed strategic planning and implementation services, and

WHEREAS, funds were included in the County's 2004 Adopted Budget for this purpose and there is no local share impact to this resolution.

NOW THEREFORE BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into a contract with Nick Everest Consulting, in an amount not to exceed \$9,500, and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive, the Director of Budget and Management, the Commissioner of Social Services, the County Attorney, the County Comptroller and the Coordinator of the Erie County Community Coordinating Council on Children and Families.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 81 – (Comm. 30E-34) Request for Legislative Action Authorizing Funds Transfers Within EC Department of Mental Health (Forensic Mental Health Service) Accounts.

Item 82 – (Comm. 30E-35) Health – HIV Partner Notification 10/1/03 – 9/30/04 – SFG Project #876 -SAP Title: 127HIVPARTNOT0304 – Cost Center 127130.

The above two items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 83 – (Comm. 30E-36) EC/Southtowns Sewage Treatment Agency – Southtowns Sand Filter Project -Contract No. 1ST-G Change Order No.2 - C. O. Falter Construction.

Item 84 – (Comm. 30E-37) ECSD No.5 – Engineering Agreement Close-Out – Agreement Dated 3/18/99 URS Corporation.

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 85 – (Comm. 30E-38) Authorization to Enter Into a Grant Agreement with US Department of Health & Human Services Substance Abuse & Mental Health Services Admin.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 86 – (Comm. 30E-39) District Attorney's Office – Operation Impact Grant.

Item 87 – (Comm. 30E-40) District Attorney's Office – Victim Witness Assistance Program Grant.

The above two items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 88 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 554

Re: Maintenance & Integration
 Electronic of On-Line Building Permit
 Program. (Comm. 30E-41)

WHEREAS, the Erie County Department of Environment and Planning has been exploring the creation of an electronic on-line building permit system; and

WHEREAS, the Department of Environment and Planning after investigating local government interest, formed a committee of five local municipalities and two private development firms to research the development of an electronic on-line building permit system; and

WHEREAS, on May 8, 2003, the Erie County Legislature approved Comm. 8E-13, appropriating \$136,400 from the Consolidation/Regionalism Fund for development of the required software to implement an online permit program; and

WHEREAS, UB's Institute for local Governance and Regional Growth developed the required software programs that would be transition to live deployment on the County's website and was to be serviced by the Department of Information and Support Services (DISS); and

WHEREAS, this committee desires to implement the electronic on-line building permit county-wide and continue its contract with UB until April 1, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the University at Buffalo's Institute for Local Governance and Regional Growth for maintenance and integration of an electronic on-line building permit program; and be it further

RESOLVED, that funds in the amount of \$86,440 are hereby transferred from the Economic Development/Tourism Fund that was re-appropriated in Cost Center 1335010 to Cost Center 1331010, Economic Development, to be further designated as Maintenance and Integration of Electronic On-line Building Permit Program; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Environment and Planning; and the County Comptroller.

MS. MARINELLI moved the approval of the resolution. MR. WEINSTEIN seconded.

CARRIED UNANIMOUSLY.

Item 89 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 555

Re: Reappointment to EC Board of
Ethics. (Comm. 30E-42)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of Mr. David C. Mineo (Chairperson) to the Erie County Board of Ethics for a term to expire December 31, 2009.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 90 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 556

Re: Reappointments to EC Consumer
 Protection Committee. (Comm. 30E-43)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following to the Erie County Consumer Protection Committee:

<u>Name</u>	<u>Term Expires</u>
Paul A. Atkinson Consumer Credit Counseling Services of Buffalo, Inc. 3980 Sheridan Drive - Suite 308 Amherst, New York 14226	December 31, 2006
Ellen M. DeWind 48 Oakland Road Williamsville, New York 14221	December 31, 2006
John R. Domagala 178 Gregory Place Grand Island, New York 14072	December 31, 2006
Mike Igoe WGRZ-TV News 259 Delaware Avenue Buffalo, New York 14202	December 31, 2006
Charles F. Kreiner, Jr. 48 Lexington Avenue Buffalo, New York 14222	December 31, 2006
Lois M. Meyer 731 West Ferry, Apt. I-KL Buffalo, New York 14222	December 31, 2006
Robin L. Reese 163 Werkley Road Tonawanda, New York 14150	December 31, 2006

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Albert F. Schneider
 199 Forest Hill Road
 Williamsville, New York 14221
 December 31, 2006

Iris F. Skoog
 181 Rollingwood
 Williamsville, New York 14221
 December 31, 2006

Linda Williams
 506 Shirley Avenue
 Buffalo, New York 14215
 December 31, 2006

Kathleen B. Winter
 Better Business Bureau, Inc.
 741 Delaware Avenue
 Buffalo, New York 14209
 December 31, 2006

Hon. Penny Wolfgang
 126 Meadow Road
 Buffalo, New York 14216
 December 31, 2006

Susan Derenda
 147 Gehman Boulevard
 Cheektowaga, New York 14225
 December 31, 2006

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 91 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 557

Re: Reappointments to EC Citizens
 Committee on Rape & Sexual Assault.
 (Comm. 30E-44)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following to the Erie County Citizens Committee on Rape & Sexual Assault:

<u>Name</u>	<u>Term Expires</u>
Ms. Melissa Fincher-Mergi, RN BSN 633 Meadowbrook Drive Lewiston, New York 14092	December 31, 2006
Ms. Beth J. Koenig	December 31, 2006

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

564 Winspear Avenue
 Buffalo, New York 14215

Ms. Martha LaCorte
 Crime Victims Specialist
 New York State Police -Troop A
 4525 W. Saile Drive
 Batavia, New York 14020

December 31, 2006

Rev. James A. Lewis, III
 106 Rohr Street
 Buffalo, New York 14211

December 31, 2006

Mr. Gregory W. Skibitsky
 52 Gina Meadows
 East Amherst, New York 14051

December 31, 2006

Ms. Gloria Soto
 Executive Director
 Hispanics United of Buffalo
 254 Virginia Street
 Buffalo, New York 14201

December 31, 2006

Commissioner Michael Weiner
 26 Dorchester Road
 Buffalo, New York 14222

December 31, 2006

Mr. John A. Brach
 11178 Jamison Road
 East Aurora, New York 14052

December 31, 2006

Ms. Tamara M. Doyle
 6720 Heitz Road
 Lakeview, New York 14085

December 31, 2006

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 92 – (Comm. 30E-45) Reappointments to Disaster Preparedness Advisory Board.

RECEIVED, FILED & PRINTED.

December 14, 2004

The Honorable
 Erie County Legislature

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

92 Franklin Street – 4th Floor
 Buffalo, New York 14202

Re: Reappointments to Disaster Preparedness Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby reappoint the following individuals to the Disaster Preparedness Advisory Board.

<u>NAME & ADDRESS</u>	<u>TERM EXPIRATION</u>
Edward F. Gehen 82 Meadowdale Lane West Seneca, New York 14224	December 31, 2006
Paul M. Gugg 31 Parkview Drive Grand Island, New York 14072	December 31, 2006
Joan A. Kesner 2030 Clinton Street Buffalo, New York 14206	December 31, 2006
Judith M. Levan 120 University Boulevard Depew, New York 14043	December 31, 2006
Patrick F. Fellner 8 Westbury Lane Lancaster, New York 14086	December 31, 2006
Randall J. Rider 278 DuPont Avenue Tonawanda, New York 14150	December 31, 2006
Michael J. Sabatino 4391 South Buffalo Street -#46 Orchard Park, New York 14127	December 31, 2006
Gary D. Shoffstall 7830 Hywood Drive Hamburg, New York 14075	December 31, 2006
Paul A. Kloc 4680 Clinton Street West Seneca, New York 14224	December 31, 2006

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Ernest S. Matthews
 7267 Chestnut Ridge Road
 Orchard Park, New York 14127

December 31, 2006

D. Patrick Curley
 48 Harvard Place
 Orchard Park, New York 14127

December 31, 2006

Very truly,

JOEL A. GIAMBRA
 COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 Commissioner Michael Walters
 Deputy Commissioner Dean Messing

Item 93 – (Comm. 30E-46) Reappointments to Local Early Intervention Coordinating Council.

RECEIVED, FILED & PRINTED.

December 14, 2004

The Honorable
 Erie County Legislature
 92 Franklin Street - 4th Floor
 Buffalo, New York 14202

Re: Reappointments to Local Early Intervention Coordinating Council (LEICC)

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to N.Y.P.L. 99-457(H), do hereby reappoint the following individuals to the Local Early Intervention Coordinating Council (LEICC).

NAMES & ADDRESSES

TERM EXPIRATION

Ms. Judith Bondurant-Utz
 Exceptional Education Dept.
 1300 Elmwood Avenue
 Buffalo, New York 14222

December 31, 2005

Ms. Andi Chella
 42 Autumnview Road

December 31, 2005

MEETING NO. 30
December 22, 2004**ERIE COUNTY LEGISLATURE**

Williamsville, New York 14221

Ms. Luanne Cox
218 Shetland Drive
Williamsville, New York 14221

December 31, 2005

Ms. Susan Davidson
4820 Sawmill Road
Clarence, New York 14031

December 31, 2005

Mr. Richard Donofrio
EC Department of Mental Health
95 Franklin Street -Room 1237
Buffalo, New York 14202

December 31, 2005

Ms. Marybeth Gannon
Personal Care Therapeutics
417-1/2 Linwood Avenue
Buffalo, New York 14209

December 31, 2005

Ms. Delia Gomez
EC Department of Social Services
291 Pearl Street
Buffalo, New York 14202

December 31, 2005

Mr. Richard Gould
WNYDDSO
110 W. 3rd Street #1
Jamestown, New York 14701

December 31, 2005

Mr. Richard Grisanti
Colors & Shapes Day Care
119 Columbia Boulevard
Kenmore, New York 14217

December 31, 2005

Ms. Mary Iwaneko
South Shore Comprehensive Therapies
697 Ridge Road
Lackawanna, New York 14218

December 31, 2005

Ms. Anita Polizzi
Buffalo CPSE
84 Harrison Street
Buffalo, New York 14210

December 31, 2005

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Ms. Vickie Rubin
 Early Childhood Direction Center
 Kaleida Health
 888 Delaware Avenue
 Buffalo, New York 14209

December 31, 2005

Ms. Ilene Simon
 .People Inc.
 2128 Elmwood Avenue
 Buffalo, New York 14207

December 31, 2005

Ms. Marilyn Webster
 404 LaSalle Avenue
 Buffalo, New York 14215

December 31, 2005

Very truly yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees

Item 94 – (Comm. 30E-47) Reappointments to EC Deferred Compensation Committee.

RECEIVED, FILED & PRINTED.

December 14, 2004

The Honorable
 Erie County Legislature,
 92 Franklin Street
 Buffalo, New York 14202

RE: Reappointments to the Erie County Deferred Compensation Committee

Honorable Members:

I hereby reappoint the following individuals to the Erie County Deferred Compensation Committee.

NAME & ADDRESS

Tracy S. Woodrow
 Phillips, Lytle, Hitchcock, Blaine &
 Huber, LLP
 3400 HSBC Center

TERM EXPIRATION

December 31, 2005

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Buffalo, New York 14203

Joseph DeBergalis
 38 Collette
 Cheektowaga, New York 14227

December 31, 2005

Peter Sigurdson
 583 Exchange Street
 Alden, New York 14004

December 31, 2005

~
 Dominic J. Migliaccio
 69 Delaware Avenue
 Buffalo, New York 14202

December 31, 2005

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 Joseph Passafiume, Director of Budget, Management & Finance
 John Greenan, Commissioner of Personnel

Item 95 – (Comm. 30E-48) Reappointments to EC Mental Hygiene Community Services Board.

RECEIVED, FILED & PRINTED.

December 14, 2004

The Honorable
 Erie County Legislature
 92 Franklin Street – 4th Floor
 Buffalo, New York 14202

Re: Reappointments to the Erie County Mental Hygiene Community Services Board

Honorable Members:

I, Joel A. Giambra, County Executive of the County of Erie, pursuant to the power vested in me by Section 11-B-03 of the Erie County Charter, and as provided in Revised Article 41 of the New York State Mental Hygiene Law, do hereby submit for your information the following appointments and reappointments to the Erie County Mental Hygiene Community Services Board for the terms indicated.

Reappointments -At Large Members

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

<u>NAME & ADDRESS</u>	<u>TERM EXPIRES</u>
Ellen Kennedy 61 Anderson Place Buffalo, New York 14222	December 31, 2007
Karen Welch 39 Woodette Place Buffalo, New York 14207	December 31, 2007

**Reappointment -Representative to the CSB
Mental Retardation/Developmental Disabilities Subcommittee**

<u>NAME & ADDRESS</u>	<u>TERM EXPIRES</u>
Joan Baizer 84 Russell Street Buffalo, New York 14214	December 31, 2007

Reappointments Mental Retardation/Developmental Disabilities Subcommittee

<u>NAME & ADDRESS</u>	<u>TERM EXPIRES</u>
Jacqueline Dias 129 Miller Street Gowanda, New York 14070	December 31, 2007
Janine Duvernay 177 Midland Avenue Tonawanda, New York 14223	December 31, 2007
Loni Mazur 25 Schlenker Avenue Cheektowaga, New York 14225	December 31, 2007

Reappointments -Alcoholism/Substance Abuse Subcommittee

<u>NAME</u>	<u>TERM EXPIRES</u>
John Babi 666 East Goundry Street North Tonawanda, New York 14120	December 31, 2007
Midred Colon Lake Shore Behavioral Health 951 Niagara Street	December 31, 2007

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Buffalo, New York 14213

Robert Whitney
 Erie County Medical Center
 Alcohol Substance Abuse
 462 Grider Street
 Buffalo, New York 14215

December 31, 2007

Reappointment -Representative to CSB Mental Health Subcommittee

NAME

TERM EXPIRES

Charles Sabatino
 235 Hedstrom Drive
 Buffalo, New York 14226

December 31, 2007

Reappointments -Mental Health Subcommittee

NAME

TERM EXPIRES

Jeanne Aiple
 191 Westfall Drive
 Tonawanda, New York 14150

December 31, 2007

Dora Esplugas
 8 Lakewood Drive
 Orchard Park, New York 14127

December 31, 2007

Jay Gilpatrick
 24 Plymouth Avenue, #19
 Buffalo, New York 14201

December 31, 2007

David Isbell
 Hamburg Counseling Service, Inc.
 97 South Buffalo Street
 Hamburg, New York 14075

December 31, 2007

Respectfully submitted,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jda

cc: Appointees
 Michael Weiner, Commissioner, Mental Health

Item 96 – (Comm. 30E-49) Line Item Adjustments to 2005 County Budget.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 97 – (Comm. 30E-50) Revenue Anticipation Note.

Item 98 – (Comm. 30E-51) Bond Resolution – \$100,000 – 2004 Unanticipated Road & Bridge Costs.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR McCARVILLE

Item 99 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 558

Re: Lease Agreement for Legislative Office Spaces. (Comm. 30E-52)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Henry & Allithea Killeen located at 4214 N. Buffalo, Orchard Park, 14127 and Erie County for Legislative Office Space for Erie County Legislator Steven P. McCarville at a cost of \$690.00 per month.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded. LEGISLATOR McCARVILLE abstained.

CARRIED (13 – 0).

FROM LEGISLATOR SCHROEDER

Item 100 – (Comm. 30E-53) Resignation from Legislature Effective at the Adjournment of Meeting 29.

Received and filed.

FROM THE MAJORITY CAUCUS

Item 101 – (Comm. 30E-54) Appointment of Timothy M. Kennedy to Fill Vacancy in 2nd Legislative District.

Received and filed.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

FROM LEGISLATOR RANZENHOFER

Item 102 – (Comm. 30E-55) Minority Appointment to EC Fisheries Advisory Board.

RECEIVED, FILED & PRINTED.

December 14, 2004

The Honorable
 Erie County Legislature
 Old County Hall – 4th Floor
 92 Franklin Street Buffalo, NY 14202

Re: Minority Reappointment to the Erie County Fisheries Advisory Board.

Dear Honorable Members:

Pursuant to Section 9.07 of the Erie County Administrative Code, the Minority Caucus of the Erie County Legislature wishes to notify you of its reappointment of the following individual to the Erie County Fisheries Advisory Board. The name of the appointee and term is set forth herein:

APPOINTEE

George Wagner
 323 Fawn Trail
 West Seneca, NY 14224

TERM

December 31, 2007

Thank you for your courtesy.

Very truly yours,

Michael H. Ranzenhofer
 Minority Leader
 Erie County Legislature

cc: Appointee
 Department of Environment and Planning

FROM THE COUNTY CLERK

Item 103 – (Comm. 30E-56) Semi-Annual Report of Receipts & Disbursements of Mortgage Tax Money for 5/1/04 -10/30/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 104 – (Comm. 30E-57) Review of DISS Internal Controls.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR WROBLEWSKI

Item 105 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 559

Re: Lease Agreement for Legislative
Office Spaces. (Comm. 30E-58)

RESOLVED, that the County Executive is hereby authorized to sign a One (1) Year Lease Agreement between Frank A. Pirritano (Agent) located at 3700 SW 5th Avenue, Cape Coral, FL, 33914 and Erie County for Legislative Office Space for Erie County Legislator Timothy M. Wroblewski at a cost of \$650.00 per month.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded. LEGISLATOR WROBLEWSKI abstained.

CARRIED (13 – 0).

FROM CHAIRMAN HOLT

Item 106 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

MR. RANZENHOFER moved to send the item to Committee. MS. CUSACK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CUSACK, MARSHALL, RANZENHOFER & WEINSTEIN. NOES: CHASE, McCARVILLE, DEBENEDETTI, DUSZA, HOLT, KENNEDY, KUWIK, MARINELLI, SMITH & WROBLEWSKI. (AYES 4 NOES 10). LEGISLATOR SWANICK absent.

FAILED.

RESOLUTION NO. 560

Re: Proposed Rule Change for 12/16/04.
(Comm. 30E-59)

∅ **DELETE** SECTIONS 1.01 and 1.02 of the 2004 RULES of ORDER for the ERIE COUNTY LEGISLATURE and **REPLACE** with the FOLLOWING

1.01 CHAIRPERSON

Annually, the members of the Erie County Legislature shall meet to organize no later than the 8th day of January in each calendar year. At such meeting, or at a recessed meeting, the legislature shall select a member of the legislature as the Chairperson by an affirmative vote of at least a majority of the entire membership of the legislature. Upon his or her election, the Chairperson shall immediately assume all of the duties and responsibilities of the office.

The Chairperson shall possess the following powers and perform the following duties:

1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
2. To preserve order and decorum;
3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the day-to-day operation and administration of the County Legislature without additional Legislative authorization;
4. To decide all questions of order, subject to appeal of the Legislature as hereinafter provided;
5. To recess meetings;
6. If the Legislature is ready to go into Committee of the Whole, to name a Chairperson to preside over such committee;
7. To be a voting member ex-officio of all committees and to receive notice of all meetings thereof;
8. To serve as the Department Head of the Legislature, and to appoint and designate or terminate, within the budgetary appropriations, all officers and employees of the Legislature not required to be selected by other means under these Rules, or other State or County law;
9. To establish guidelines and criteria and approve the expenditure of funds in the budget of the Legislature for the printing and/or mailing of literature by members of the Legislature to their constituents within the appropriations therefore; provided, however, that: no such literature shall be mailed at or delivered to any postal facility by such members during the period of forty-five (45) days immediately prior to a date of a primary or general election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election, and as provided for in section 5.07 of these rules.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

10. To establish independent committees, boards, and commissions to report to the Chairperson and/or Legislature, and appoint or remove the members thereof;
11. To cancel public hearings for which the underlying Local Law has been withdrawn;
12. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local legislation.

1.02 MAJORITY AND MINORITY LEADERS:

Annually, the enrolled members of the two political parties which shall have the greatest number of members seated in the Legislature shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other party shall be known as Minority Leader.

For the purpose of complying with the provisions of Section 200, subdivision 1 of the County Law, in the event that neither the members of one party nor the other constitute a majority of the members of the County Legislature, the Chairperson of the Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader for the purpose of budgetary appropriation and other matters.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 107 – (Comm. 30E-60) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

December 10, 2004

Kevin M. Kelley
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Mr. Kelley:

Please be advised that I have received a request from Apostolic Rock Church "Rock Academy" (1198 Jefferson Avenue, Buffalo, NY 14208) to receive ten (10) surplus Erie County Computers.

Thank you in advance for your courtesies.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Sincerely,

George A. Holt, Jr.
Erie County Legislator
3rd District
Chairman

Attachment: Letter from Apostolic Rock Church

November 20, 2004

Erie County Legislator
George A Holt Jr., Chairman
427 William St.
Buffalo, NY 14206

Dear Mr. Holt,

We are Rock Academy a subsidiary of The Apostolic Rock Temple of the Living God. Rock Academy is Buffalo's first Hebrew Messianic School, and we are in our second full academic year. Our school includes grades one through twelve. Rock Academy has an exclusive curriculum including computer applications, and Hebrew Studies. Rock Academy also hosts an after school program "Learning how to use the Internet efficiently".

We are aware that the Erie County Legislature is providing surplus computers. We are requesting ten computers to help support our after school program. In addition, we would be grateful if you could assist us with ten printers as well. We thank you for your consideration in this matter as we aim to help the children in our community.

Sincerely,

Mrs. F. Brown Mc Reynolds, Principal

Mrs. C. Smothers Johnson, Dean of Finance

Item 108 – (Comm. 30E-61) Notice of Regular Session Rescheduled for 12/22/04.

RECEIVED, FILED & PRINTED.

December 17, 2004

Kevin M. Kelley, Clerk
Erie County legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Dear Mr. Kelley:

Pursuant to Rule 2.02 of the RULES OF ORDER of the Erie County legislature, you are hereby directed to call a Meeting of the Erie County legislature to be held on WEDNESDAY, DECEMBER 22, 2004, at 2 O'CLOCK in the afternoon of that day in the Erie County legislature Chambers on the, 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting is the rescheduled convening of the legislature's regular session, Meeting No. 30, which was postponed from December 16, 2004.

For new, additional items, the clock-in deadline for this session shall be 11:00 AM on Monday, December 20, 2004.

Thank you for your assistance.

Sincerely,

GEORGE A. HOLT, JR.
Chairman
Erie County Legislature

FROM LEGISLATOR SWANICK

Item 109 – (Comm. 30E-62) Absence from Special Session on 12/20/04.

RECEIVED, FILED & PRINTED.

December 20, 2004

VIA HAND DELIVERY

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
Old County Hall
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Absence from Special Session on December 20, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the Special Session on December 20, 2004 due to previously scheduled family obligations out of town.

If you have any questions, please contact the Republican Chief of Staff, Harry Wahl.
Thank you.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

FROM LEGISLATOR CHASE

Item 110 – (Comm. 30E-63) Absence from Special Session on 12/20/04.

RECEIVED, FILED & PRINTED.

December 20, 2004

VIA HAND DELIVERY

Hon. Kevin M. Kelley
Clerk, Erie County Legislature
Old County Hall
92 Franklin Street – 4th Floor
Buffalo, NY 14202

Re: Absence from Special Session on December 20, 2004.

Dear Mr. Kelley:

Pursuant to Section 2.05 of the Erie County Legislature's 2004 Rules of Order, this will serve as notification of my absence from the Special Session on December 20, 2004 due to previously scheduled family obligations out of town.

If you have any questions, please contact the Republican Chief of Staff, Harry V. Wahl.
Thank you.

Very truly yours,

Jeanne Z. Chase
Erie County Legislator
12th District

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 111 – (Comm. 30D-1) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 112 – (Comm. 30D-2) Copy of Letters Sent to Library Director From NYS Department of Education & US Govt. Printing Office Re: Possible Library Shutdown.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 113 – (Comm. 30D-3) Memo to Legislature Staff Re: Follow Up on Information Regarding Defense of Naylor/Sutton.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 114 – (Comm. 30D-4) Notice of Meeting Held 12/15/04.

Received and filed.

FROM THE COUNTY ATTORNEY

Item 115 – (Comm. 30D-5) 2005 Budget Amendments – Resolution No. 61 – Non Carryover of Accrued Vacation Credits.

Item 116 – (Comm. 30D-6) County of Erie Fiscal Year 2005 Budget.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 117 – (Comm. 30D-7) Agenda of Meeting Held 12/15/04.

Received and filed.

FROM DEP

Item 118 – (Comm. 30D-8) SEQR –Negative Declaration – Didion & Brunck Roads Sanitary Sewers.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 119 – (Comm. 30D-9) Letter to Legislator DeBenedetti Re: Comm. 21E-l.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 120 – (Comm. 30D-10) Notice of Special Session to be Held 12/16/04.

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 121 – (Comm. 30D-11) Proposed Agenda for Meeting to be Held 12/16/04.

Received and filed.

FROM DEP

Item 122 – (Comm. 30D-12) SEQR -Solicitation for Lead Agency Status – Extension of ECSD No.3 to be Known as the Village of Hamburg Extension.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE BOARD OF ELECTIONS

Item 123 – (Comm. 30D-13) Certifications of Total Amount of 2003 Board Expenses.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECMCC

Item 124 – (Comm. 30D-14) Financial Results for 11/2/04 & Financial Statements for 10/04 & 11/04.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 125 – (Comm. 30D-15) 2005 EC Budget Meeting: Urgent Need for Clerk's Minutes & Audio Recording Thereof.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 126 – (Comm. 30D-16) Minutes for Meeting Held 12/17/04.

Received and filed.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

FROM DISS – FLEET SERVICES

Item 127 – (Comm. 30D-17) Letter to Legislator DeBenedetti Re: Comm. 19E-41 & 22E-3.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 128 – (Comm. 30D-18) Notice of Regular Meeting Rescheduled for 12/22/04.

RECEIVED, FILED & PRINTED.

December 17, 2004

To: All Erie County Legislators
 From: Kevin M. Kelley, Clerk of the Legislature
 Subject: MEETING NOTICE

PLEASE TAKE NOTICE that pursuant to Rule 2.02 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairman George A. Holt, Jr., there will be a MEETING of the Erie County Legislature on *WEDNESDAY, DECEMBER 22, 2004, at 2 O'CLOCK* in the afternoon of that day in the Erie County Legislature Chambers on the 4th floor of old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This meeting is the **rescheduled convening of the Legislature's regular session, Meeting No. 30, which was postponed from December 16, 2004.**

For new, additional items, the clock-in deadline for this session shall be 11 :00 AM on Monday, December 20, 2004.

Thank you.

ATTACHMENT – 1 (Chairman Holt's Letter)

FROM THE COUNTY ATTORNEY

Item 129 – (Comm. 30D-19) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 130 – (Comm. 30D-20) Submission of 2005 EC Budget to County Executive.

RECEIVED, FILED & PRINTED.

MEETING NO. 30
December 22, 2004

ERIE COUNTY LEGISLATURE

December 8, 2004

Honorable Joel A. Giambra
 Erie County Executive
 95 Franklin Street
 Buffalo, New York 14202

Dear Mr. Giambra:

In accordance with Article XVIII, Section 1803 B of the Erie County Charter, I am submitting to you the 2005 Erie County Budget, as amended and approved by the Erie County Legislature.

At Meeting No. 28, held December 7, 2004, the Erie County Legislature approved the following resolution which is affixed to the inside of Budget Book A:

€ Comm. 24E-1 (2005 Tentative Budget as amended)

The following resolutions were also approved:

€ Comm. 26E-4 -As Amended

€ Comm. 26E-8

Please be advised that the vote to approve the 2004 Erie County Budget, as amended, was as follows:

AYES: 8

NOES: 7

Sincerely,

KEVIN M. KELLEY
 Clerk of the Legislature

Receipt of the above, with attachment, is hereby acknowledged.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE NIAGARA REGIONAL PARTNERSHIP

Item 131 – (Comm. 30M-1) Agenda for Meeting Held 12/3/04 & Minutes of Meeting Held 12/1/04.

Received and filed.

FROM SENATOR BRUNO

Item 132 – (Comm. 30M-2) Receipt of Resolution.

Received and filed.

FROM WAYNE STESIAK

Item 133 – (Comm. 30M-3) Petition Signed by 405 People Re: Library Shutdown.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 134 – (Comm. 30M-4) 2005 Budget.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF NORTH COLLINS

Item 135 – (Comm. 30M-5) Certified Resolution Re: North Collins Public Library.

Received and filed.

FROM THE STUDIO ARENA THEATRE

Item 136 – (Comm. 30M-6) Flyers Opposing Cuts in Cultural Funding.

Received and filed.

FROM THE EC ENVIRONMENTAL MANAGEMENT COUNCIL

Item 137 – (Comm. 30M-7) Notice of Meeting & Agenda Held 12/14/04.

Received and filed.

FROM HURWITZ & FINE

Item 138 – (Comm. 30M-8) ECIDA Bond Closing.

Received and filed.

FROM CONGRESSMAN QUINN

Item 139 – (Comm. 30M-9) Receipt of Resolution

Received and filed.

FROM NYSAC

Item 140 – (Comm. 30M-10) Receipt of Resolution.

Item 141 – (Comm. 30M-11) Receipt of Resolution.

The above two items were received and filed.

FROM THE NYS COMPTROLLER

Item 142 – (Comm. 30M-12) 2005 Schedule of Real Property Tax & Assessments Levied by County Board of Supervisors.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SENATOR VOLKER

Item 143 – (Comm. 30M-13) Receipt of Resolution & Medicaid: Causes of an Erie County Fiscal Crisis or An Easy Answer for Hard Choices.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE NIAGARA REGIONAL PARTNERSHIP

Item 144 – (Comm. 30M-14) 2004 Year End Report.

Received and filed.

FROM THE WESTCHESTER COUNTY BOARD OF LEGISLATORS

Item 145 – (Comm. 30M-15) Certified Resolution Re: Honoring 350th Anniversary of the Arrival of Jewish Immigrants in North America.

Received and filed.

FROM THE NYS COMPTROLLER

Item 146 – (Comm. 30M-16) Order of State Comptroller Re: Increase & Improvement of Facilities -ECSD No.2.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM MOHR, ADAMCZYK, MARSHALL & NAPLES

Item 147 – (Comm. 30M-17) Suit Against EC Legislature Re: Adopted 2005 EC Budget.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE NYS BOARD OF REAL PROPERTY SERVICES

Item 148 – (Comm. 30M-18) List of Certified 2004 State Equalization Rates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

MEMORIAL RESOLUTIONS

Item 149 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Evelyn Depp.

Item 150 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Rocco Lamparelli.

Item 151 – Ms. Cusack requested that when the Legislature adjourns, it do so in memory of Elizabeth Lasky.

Item 152 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Rose Agnes Burke.

ADJOURNMENT

Item 153 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, January 6, 2005. MR. DUSZA seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, January 6, 2005 at 2 p.m. Eastern Standard Time.

**KEVIN M. KELLEY
CLERK**